

# Washington, Wednesday, November 10, 1943

# The President

# **EXECUTIVE ORDER 9395**

Additional Compensation of Enlisted' PERSONNEL OF THE MARINE CORPS REGU-LARLY DETAILED AS MESSMEN

By virtue of the authority vested in me as President of the United States, it is

hereby ordered as follows:

1. Enlisted personnel of the Marine Corps, including the Marine Corps Women's Reserve, regularly detailed as messmen in a command shall receive the same compensation in addition to their monthly pay as is now or may hereafter be allowed the enlisted personnel of the Navy under like circumstances: Pro-vided, That the ratio of the number of messmen to the number of personnel subsisted in a mess and the conditions under which enlisted personnel of the Marine Corps, including the Marine Corps Women's Reserve, may be credited additional compensation for the performance of duty as messmen, shall be in accordance with regulations prescribed by the Secretary of the Navy for en-listed personnel of the Navy.

2. This order shall supersede the Executive order of September 18, 1906, providing for the detail of enlisted men of the Marine Corps as messmen, and shall be effective as of November 1, 1943.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE, November 8, 1943.

[F. R. Doc. 43-18084; Filed, November 9, 1943; 11:31 a. m.]

[Insertion in Government Contracts of -PROVISION REGARDING DISCRIMINATION]

[CONSTRUCTION OF EXECUTIVE ORDER 9346]

THE WHITE HOUSE,

Washington, November 5, 1943.

MY DEAR MR. ATTORNEY GENERAL:

You have brought to my attention the Comptroller General's opinion holding that Executive Order 9346 is directive only and not mandatory in requiring insertion in all Government contracts of a provision obligating the contractor not to discriminate against any employee or applicant for employment on account of race, ereed, color, or national origin; and requiring the contractor to include similar contractual provisions in all subcontracts.

There is no need for me to reiterate the fundamental principles underlying the promulgation of the Executive Order, namely, that the prosecution of the war demands that we utilize fully all available manpower, and that the discrimination by war industries against persons for any of the reasons named in the Order is detrimental to the prosecution of the war and is opposed to our national democratic purposes.

I realize the hesitancy of the Comptroller General to withhold payments on Government contracts in which these provisions have not been included where there is doubt as to whether the Order is mandatory. I therefore wish to make it perfectly clear that these provisions are mandatory and should be incorporated in all Government contracts. The Order should be so construed by all Government contracting Agencies.

Very sincerely yours,

FRANKLIN D ROOSEVELT

Honorable Francis Biddle, The Attorney General, Washington, D. C.

[F. R. Doc. 43-18109; Filed, November 9, 1943; 12:18 p. m.]

# Regulations

#### TITLE 7-AGRICULTURE

Chapter X-War Food Administration (Production Orders)

[FPO 12, Revision 2]

PART 1206-FERTILIZER

ORGANIC NITROGENOUS MATERIAL

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Food Production Order No. 12, Re-1206.622 vision 1.

. AUTHORITY: §§ 1206.601 to 1206.622, inclusive, issued under 54 Stat. 676, 55 Stat. 236, 56 Stat. 176; E.O. 9280, 9322, 9334; 7 F.R. 10179, 8 F.R. 3807, 5423.

Food Production Order No. 12 is hereby amended in its entirety to read as follows:

# Definitions

§ 1206.601 Definitions. In this order: (a) "Organic nitrogenous material" means nitrogenous material used as fertilizer derived from any plant or animal organism containing nitrogen, including, but not limited to, animal, fish, garbage and other processed tankages, bone meal, blood, castor pomace, tobacco stems, oilseed meals (including cottonseed, peanut, soybean, linseed and other oilseed meals), sewage sludge, cocoa shell meal, bat, peruvian and whale guanos, processed animal and poultry manures, peat and humus,

(b) "Edible oilseed meal" means cottonseed oil meal or cake, soybean oil meal or cake, peanut oil meal or cake, and linseed oil meal or cake of merchantable

quality for feeding purposes.
(c) "Inedible oilseed meal of edible type" means an oilseed meal that ordinarily is edible, but because of taste, color, or chemical change, is unfit for

feeding.

(d) "Mixed fertilizer" means a mixture or combination of materials used as plant foods containing two or more of the following: nitrogen, available phosphoric acid, or available potash.

(e) "Specialty fertilizer" means any fertilizer which is prepared for use on lawns, home gardens, shrubbery, trees, flowers, parks and parkways, malls and roadsides, cemeteries, golf courses and non-commercial plantings of trees,

shrubs and flowers.
(f) "Unit of nitrogen" means 20 pounds of nitrogen (1 percent of a ton). Example: One ton of processed tankage having an analysis of 8.25 percent nitro-

gen contains 8.25 units of nitrogen.

(g) "Acquire" means to purchase, obtain by barter, exchange or otherwise, accept delivery of, or contract to do any

of the foregoing.
(h) "Person" means any individual, partnership, corporation, association, business trust or any organized group of persons whether incorporated or not, The term "person" shall also include the United States or any agency thereof, and a State or any political subdivision or

agency thereof.

(i) "Processor" means a person who produces or processes organic nitrogenous materials, including oilseed meals.

(j) "Jobber" means any person who

imports, or purchases from a processor or importer, organic nitrogenous materials for transfer to fertilizer manufacturers and to consumers

(k) "Fertilizer manufacturer" means any person who manufactures or mixes fertilizers for sale.

(1) "Consumer" means a person who acquired from a processor or Jobber during the period July 1, 1941, to June 30, 1942, organic nitrogenous material for direct use on agricultural crops or for use as an ingredient in home mixed fer-

tilizers.
(m) "Director" means the Director of the Office of Materials and Facilities of the War Food Administration.

### Acquisition and Use

§ 1206.602 Acquisition and use by fertilizer manufacturers. (a) Subject to the restrictions of paragraphs (b) and (c) of this section, relative to edible oilseed meal and inedible oilseed meal of edible type, each fertilizer manufacturer is authorized to acquire during the period July 1, 1943, to June 30, 1944, organic nitrogenous materials, for use either in the manufacture of mixed fertilizers or for sale and use as unmixed fertilizer material, but the quantity of such material, including any edible ollseed meal or inedible oilseed meal of edible type, either acquired or used for such purposes, shall not exceed, at each fertilizer mixing plant operated by such manu-facturer, 70 percent of the quantity, on a nitrogen unit basis, used at such plant for such purposes during the period July 1, 1941, to June 30, 1942. The quantity of such material on hand on June 30, 1943, in both mixed fertilizer and as unmixed fertilizer material, shall be counted as a part of the quantity of organic nitrogenous material a manufacturer is authorized to acquire.

(b) During the period from July 1, 1943, to June 30, 1944, a fertilizer manufacturer may acquire, accept, or use for fertilizer purposes edible oilseed meal

<sup>&</sup>lt;sup>1</sup>8 F.R. 5791, 7517.

only as specifically authorized by the Director. Applications for such authorization shall be filed with the Director on or before December 1, 1943, on Form OF-1. A separate application for each fertilizer mixing plant operated by a fertilizer manufacturer shall be filed. The amount authorized by the Director for each fertilizer mixing plant operated by such manufacturer whose application is approved shall be a percentage of the quantity of edible oilseed meal used at such plant for such purposes during the period July 1, 1941, to June 30, 1942. Such percentage shall be determined by the proportion that the total amount of. edible oilseed meal, as shown by all approved applications, used in the manufacture of mixed fertilizers and for sale and use as unmixed fertilizer material during the period from July 1, 1941, to June 30, 1942, bears to the amount of edible oilseed meal available for such purposes during the period from July 1, 1943, to June 30, 1944. The quantity of such edible oilseed meal on hand on June 30, 1943, together with that acquired since that date, shall be counted as a part of the quantity of edible oilseed meal a manufacturer is authorized to acquire. The Director's authorization, serially numbered, will be issued in writing upon approval of the application.

(c) No fertilizer manufacturer shall acquire from a processor or a jobber any inedible oilseed meal of edible type for fertilizer purposes without first having ascertained that such processor or jobber has been authorized by the Director, as provided in § 1206.606 of this order, to transfer and deliver such inedible oilseed meal of edible type.

§.1206.603 Acquisition by consumers. During the period from July 1, 1943, to June 30, 1944, a consumer may acquire from a processor or jobber organic nitrogenous materials for fertilizer use on crops only as specifically authorized by the Director. Applications for such authorization shall be filed with the Director on or before December 1, 1943. In making application, an applicant shall specify (1) the amount of each organic nitrogenous material which he used for fertilizer purposes on crops during the period from July 1, 1941, to June 30, 1942, (2) the persons from whom such materials were acquired during that period, (3) the amount of each organic nitrogenous material acquired by him since July 1, 1943, (4) the amount of each such material on hand at the time of his application, and (5) the amount of each such material needed for his purposes. The amount authorized by the Director for each consumer whose application is approved shall not exceed the percentage bases, with respect to edible oilseed meals and other organic nitrogenous materials, as are authorized for fertilizer manufacturers by, or pursuant to, paragraphs (a) and (b) of § 1206.602 of this order. No authorization to acquire organic nitrogenous material from a processor or a jobber will be granted to any person, however, who did not acquire such materials from a processor or a jobber during the period from July 1, 1941, to June 30, 1942. The Director's authorization, serially numbered, will be issued in writing upon approval of an application.

#### Transfer and Delivery

§ 1206.604 General limitations on transfer and delivery. No processor or jobber shall transfer or deliver any organic nitrogenous materials for fertilizer purposes other than to a person authorized by, or pursuant to, this order to acquire such organic nitrogenous materials.

§ 1206.605 Transfers to fertilizer manufacturers. No processor or jobber shall transfer or deliver to a fertilizer manufacturer any organic nitrogenous material for fertilizer purposes without having obtained from such manufacturer a certificate substantially as follows:

The undersigned fertilizer manufacturer hereby certifies to the War Food Administra-tion and to the processor or jobber that (1) the quantity of edible oilseed meal, if any, herewith ordered, together with any edible oilseed meal already obtained pursuant to the authorization specified below, is within the quantity of such edible oliceed meal which the undersigned is authorized by War Food Administration Oliceed Meal Authorization No. \_\_\_\_\_ to acquire during the period July 1, 1943, to June 30, 1944, and (2) the quantity of organic nitrogenous materials herewith ordered, including oilceed meals, for use in mixed fertilizer for cale or for cale and use as unmixed fertilizer material, together with any organic nitrogenous materials already so used or acquired, is within the quantity which the undersigned is authorized by Food Production Order No. 12, Revision No. 2, to acquire for such purposes during the period July 1, 1943, to June 30, 1944, and such materials will be used only for such purposes.

Such certificate shall be endorsed on or accompany the order for organic nitrogenous materials, and it shall be signed by the fertilizer manufacturer. The receipt of such certificate shall not authorize the transfer or delivery of organic nitrogenous material by any processor or jobber where he knows or has reason to believe the same to be false, but otherwise such certificate may be relied upon.

§ 1206.606 Transfers of inedible oilseed meal of edible type. No processor or jobber shall transfer or deliver any inedible oliseed meal of edible type without first having obtained authorization to do so from the Director. To obtain such authorization, the processor or jobber shall apply to the Director in writing, setting forth the type and quantity of such ollseed meal, and an explanation of why it is considered inedible. The authorization will be issued by the Director upon approval.

§ 1206.607 Transfers to consumers. No processor or jobber shall transfer or deliver to a consumer any organic nitrogenous material for fertilizer purposes without having obtained from such consumer a certificate substantially as follows:

The undersigned hereby certifies to the War Food Administration and to the processor or jobber that (1) the quantity of edible oliseed meal herewith ordered, tegether with any edible oliseed meal already obtained, and (2) the quantity of organic nitrogenous materials herewith ordered, including oliseed meals, together with any organic nitrogenous materials already obtained pursuant to the

Such certificate shall be endorsed on or accompany the order for organic nitrogenous materials, and it shall be signed by the consumer. The receipt of such certificate shall not authorize the transfer or delivery of organic nitrogenous materials by any processor or jobber where he knows or has reason to believe the same to be false, but otherwise such certificate may be relied upon.

§ \$1206.603 Transfers to Armed Forces. With the prior approval of the Director, any processor or Jobber may transfer or deliver to the United States Army, Navy, Marine Corps and Coast Guard organic nitrogenous materials for use as fertilizer.

§ 1206.609 Transfers of specialty fertilizer. With the prior approval of the Director, any processor or jobber may transfer or deliver organic nitrogenous materials for sale and use as specialty fertilizers.

§ 1206.610 Transfers for experimental purposes. Nothing in this order shall be deemed to prohibit the transfer or delivery of organic nitrogenous materials to educational institutions and publicly owned agricultural institutions for experimental purposes.

§ 1206.611 Discrimination in filling orders. No processor or jobber shall, in filling orders for organic nitrogenous materials pursuant to this order, discriminate in favor of any person as against other persons from whom orders have been accepted.

§ 1206.612 Distribution. Each processor and jobber shall, during the period from July 1, 1943, to June 30, 1944, make organic nitrogenous material available in each geographical locality in which he made such material available in the period from July 1, 1941, to June 30, 1942, and upon the same ratio to the total amount of such material available for distribution by him in the period from July 1, 1943, to June 30, 1944, as the amount of such material made available by him in each such geographical locality in the period from July 1, 1941, to June 30, 1942, bore to the total of such materials distributed by him in such peried. A processor or jobber, however, may submit to the Director adequate proof that the requirements of organic nitrogenous material for fertilizer purposes in any such locality are being adequately served by other processors or jobbers, and obtain from the Director written approval to distribute otherwise such material.

# Reports and Records

§ 1206.613 Reports. (a) Each fertilizer manufacturer shall, on or before December 1, 1943, file for each fertilizer plant operated by him a report, on Form OF-2, with the Director showing, with respect to organic nitrogenous material, in terms of tons and nitrogen units, (1) the quantity used in the manufacture of

mixed fertilizers for sale during the period July 1, 1941, to June 30, 1942, (2) the quantity sold as straight material during the period July 1, 1941, to June 30, 1942, (3) the persons from whom the material was acquired and the quantity acquired from each during such period, and (4) the quantity on hand on June 30, 1943, including both unmixed material and material in mixed fertilizers.

(b) Each fertilizer manufacturer shall submit to the Director on or before the 15th of each month a report on Form OF-3, showing for the previous calendar month (1) the quantity, in tons and units of nitrogen, of all edible oilseed meal or inedible oilseed meal of edible type acquired by him, and (2) the names and addresses of the persons, processors or jobbers from whom such meals were acquired. If a manufacturer did not acquire any such oilseed meal during the previous calendar month, no report need be filed.

(c) Each processor and jobber who transfers or delivers organic nitrogenous material, including oilseed meals, for use as fertilizer shall submit to the Director on or before the 15th of each month a report, on Form OF-4, showing for the previous calendar month (1) the quantity, in tons and units of nitrogen, of each such material produced by him, (2) the names and addresses of the persons to whom deliveries of such material were made and the quantity delivered to each, and (3) the number of the purchase authorization, with reference to edible oilseed meal, issued by the Director and pursuant to which delivery was made.

(d) Each fertilizer manufacturer, processor and jobber shall make such other reports as the Director may request or direct, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

§ 1206.614 Records. (a) For not less than two years, each processor and jobber shall retain on file the certificates required by §§ 1206.605 and 1206.607 of this order, and shall also maintain records of sales and deliveries of organic nitrogenous materials, including the quantities of such materials delivered to each person.

(b) Each fertilizer manufacturer shall maintain for not less than two years records of the quantities of organic nitrogenous materials acquired and the quantities of such materials used in the manufacture of mixed fertilizer for sale.

§ 1206.615 Audits and inspections. Each processor, jobber and fertilizer manufacturer shall, upon request, permit duly authorized representatives of the Director to inspect, at reasonable hours, his stocks of organic nitrogenous materials and mixed fertilizers containing such materials and fertilizers. Each processor, jobber and fertilizer manufacturer shall, upon request, submit his books, records and accounts for audit and inspection by duly authorized representatives of the Director.

# Enforcement and Appeals

§ 1206.616 Violations. Any person who wilfully violates any provision of this order or who, in connection with this

order, wilfully conceals a material fact or furnishes false information to any department or agency, of the United States, or who conspires with another to perform any such acts, is guilty of a crime and upon conviction may be punished by fine and imprisonment. In addition, any such person may by administrative suspension order be prohibited from receiving any deliveries of, or selling, or otherwise disposing of, or using, any organic nitrogenous material or any other material now or hereafter authorized to be rationed or allocated by, or subject to the priority control of, the War Food Administrator, and may be deprived of priority assistance. Further, the Director may recommend to the Office of Price Administration or to the War Production Board that any person who violates any provision of this order or any amendment or supplement thereto be denied the right to receive. use, sell, or otherwise dispose of any other materials which are now or in the future may be under allocation's.

§ 1206.617 Petition for relief from hardship. Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing to the Director for relief, setting forth in such petition all pertinent facts and information. The Director may, upon the basis of such application and other information, take such action as he deems appropriate. The decision of the Director shall be in writing and shall be final and conclusive.

# Administration and Territorial Application

§ 1206.618 Administration. The administration of this order and the powers of the War Food Administrator, insofar as such powers relate to the administration of the order, are hereby delegated to the Director. The Director shall be assisted in the administration of this order by such employees as he may designate, and such employees are hereby authorized to administer the provisions of this order.

§ 1206.619 Territorial limitations and restrictions. This order shall have application only in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas, and in all States east thereof, and the District of Columbia: Provided, however, That except as authorized by the Director no person shall transfer or deliver any organic nitrogenous material within the territory covered by this order to a person for use outside such territory, and no person shall acquire or use outside the territory covered by this order any organic nitrogenous material from within such territory.

§ 1206.620 Communications. All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued, be addressed to the War Food Administration, Washington 25, D. C., Ref: FPO 12.

§ 1206.621 Food Production Order No. 8 revoked. Food Production Order No.

8¹ (relating to the acquisition and use of oilseed meal for fertilizer purposes) is hereby revoked: Provided, however, That all provisions thereof shall continue to remain in full force and effect for the purpose of allowing or sustaining any suit, action prosecution or administrative or other proceeding heretotofore or hereafter commenced with respect to any violation committed or right or liability accruing under or pursuant to the terms of such provisions; and, Provided further, That the records therein required shall be retained pursuant to the applicable provisions thereof.

§ 1206.622 Food Production Order No. 12, Revision No. 1. Food Production Order No. 12, Revised 2, is hereby redesignated as Food Production Order No. 12, Revision No. 1.

Note: The reporting and record keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 9th day of November 1943.

MARVIN JONES.

MARVIN JONES, War Food Administrator.

[F. R. Doc. 43–18107; Filed, November 9, 1943; 11:51 a. m.]

#### TITLE 14—CIVIL AVIATION

Chapter II—Administrator of Civil Acronautics; Department of Commerce

/ [Amdt. 34]

PART 600—DESIGNATION OF CIVIL AIRWAYS

AMBER CIVIL AIRWAY NO. 2

#### Correction

In F.R. Doc. 43-17919, appearing on page 15310 of the issue for Saturday, November 6, 1943, the caption should read: "Chapter II—Administrator of Civil Aeronautics; Department of Commerce."

# TITLE 30-MINERAL RESOURCES

Chapter VI—Solid Fuels Administration for War

PART 602—GENERAL ORDERS AND DIRECTIVES

[Order 9]

# ORDER OF SUSPENSION

Pursuant to the provisions contained in § 3247.1 (e) of War Production Board No. M-316,³ in order to assure the most efficient distribution of the supply of bituminous coal in the interest of the war and essential civilian production, I hereby order that the provisions of the aforementioned order, as amended and reinstated by my Order No. 8 of November 1, 1943 (8 F.R. 15176), are suspended, effective immediately, until further notice.

<sup>&</sup>lt;sup>1</sup>8 F.R. 1826.

<sup>\*8</sup> F.R. 7517.

<sup>\*8</sup> F.R. 5677, 5801, 7412, 7630, 8698, 8743, 15176.

(E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176)

Issued this 6th day of November 1943.

MICHAEL W. STRAUS, Acting Solid Fuels Administrator for War.

[F. R. Doc. 43-18081; Filed, November 9, 1943; 10:05 a. m.]

#### TITLE 32-NATIONAL DEFENSE

Chapter IX-War Production Board

Subchapter B-Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2718; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 3292-AUTOMOTIVE VEHICLES, PARTS AND EQUIPMENT<sup>2</sup>

[Limitation Order L-270, as Amended Nov. 8, 19431

#### AUTOMOTIVE MAINTENANCE EQUIPMENT

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain critical materials used in the manufacture of automotive maintenance equipment for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

- § 3292.561 Limitation Order L-270-(a) Definitions. For the purpose of this order:
- (1). "Person" means any individual, partnership, association, business trust, corporation or agency, or any organized group of persons, whether incorporated or not, including Departments, Bureaus and Agencies of the United States Government and all other Governments.
- (2) "Producer" means any person engaged in the manufacture or assembly of any automotive maintenance equip-
- (3) "Automotive maintenance equipment" means the items listed on Schedules A, B and C to this order as the same may be amended from time to time.
- (4) "Automotive vehicles" means passenger automobiles, light, medium and heavy motor trucks, truck tractors, truck trailers, passenger carriers and off-thehighway motor vehicles.
- (5) "Original equipment" means any automotive maintenance equipment produced for or purchased by manufacturers of automotive vehicles for shipment with such vehicles and included in the manufacturer's sales price of the automotive vehicle.
- (6) "Item" means any product listed in Schedule A, B or C to this order and includes all sizes and types in such list-
- (b) Restrictions on production—(1) No production of Schedule A Items. No

producer shall manufacture or assemble any items of automotive maintenance equipment listed in Schedule A.

- (2) Limitation on production Schedule B Items. No producer shall manufacture or assemble in any calendar quarter any item of automotive maintenance equipment listed in Schedule B in excess of twenty (20) percent of the number of like items of automotive maintenance equipment sold by him for other than original equipment in the corresponding calendar quarter of 1941.
- (3) Provision for minimum factory runs. In the event that the limitation imposed by paragraph (b) (2) should result in restricting production, in any calendar quarter, to less than his minimum practical factory run of any item of automotive maintenance equipment listed in Schedule B, a producer may, notwithstanding the provision of paragraph (b) (2), produce a minimum practical factory run: Provided, That his dollar volume of sales of such item, in any calendar quarter shall not exceed twenty (20) percent of the total dollar volume of his sales of such item in the corresponding calendar quarter of 1941. But in no event may his production of such items during three consecutive calendar quarters exceed twenty (20) percent of his production of such items during the three corresponding calendar quarters of 1941.
- (4) Limitation on production of Schedule C Items. No producer shall manufacture or assemble in any calendar quarter any item of automotive maintenance equipment listed in Schedule C in excess of seventy-five (75) percent of the number of like items of automotive maintenance equipment sold by him for other than original equipment in the corresponding calendar quarter of 1941.
- (5) Limitation on production of repair parts. No producer shall manufacture or assemble in any calendar quarter a dollar volume of repair parts for automotive maintenance equipment in excess of ten (10) percent of the total dollar volume of automotive maintenance equipment sold by him in the corresponding calendar quarter of 1941
- (6) Special provisions for use of aluminum and steel. No producer shall use any aluminum, steel, or other critical materials in the manufacture of automotive maintenance equipment where the use of less critical materials is practicable, and when so used such aluminum, steel or other critical materials shall be reduced to the minimum quantity and grade necessary for the proper operation of the automotive maintenance equipment.
- (7) Special provisions for use of copper. No producer shall use any copper products or copper base alloy products in the manufacture of automotive maintenance equipment other than in the following: (i) conductors of electrical current, (ii) bearings, bushings, thrust washers and similar parts which require oil, grease, or water lubrication, (iii) valve seats, tubes, and similar parts where condensation and/or corrosion make substitutions of less critical materials impracticable: Provided, That any

copper products or copper base alloy products so used shall be reduced to the minimum practical gauge, size and grade necessary for the proper operation of the automotive maintenance equipment.

(c) Sales by producers only on rated orders. On and after November 15, 1943, no producer shall sell, transfer or deliver to any person any item on Schedule A, B or C except pursuant to orders bearing preference ratings of AA-5 or higher:

(1) Assigned on Form WPB-541 (PD-1A). Form WPB-542 (PD-3A), Form WPB-547 (PD-1X), or Canadian Form PB-1010.

(2) Based on export licenses or requisitions approved by Foreign Economic Administration.

(3) Assigned on Form CMP-4B, Form CMP-4A, Canadian Forms PB-1005, PB-1006, or PB-1007 and extended for the procurement of items on Schedule A. B or C to be physically incorporated in other manufactured or assembled products. The extension of preference ratings assigned on these forms is prohibited for the procurement of any items on Schedule A, B or C for resale as such.

(d) No ratings required for repair parts. No preference ratings are required for the purchase of repair parts for automotive maintenance equipment.

(e) Exceptions to applicability of this order. (1) The terms and restrictions of paragraphs (b) (1), (2), (3), (4) and (5) of this order shall not apply to automotive maintenance equipment sold to or produced under contracts or orders for delivery to or for the account of the United States Army, Navy, Maritime Commission or the War Shipping Administration.

(f) Violations. Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment or both. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(g) Appeals. Any appeal from the provisions of this order may be made by filing Form WPB-1477 in triplicate with the Field Office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates.

(h) Applicability of regulations. This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to

time.

(i) Communications. All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Automotive Division, Washington 25. D. C., Reference: L-270.

Issued this 8th day of November 1943.

WAR PRODUCTION BOARD, By J. JOSEPH WHELAN, Recording Secretary.

<sup>&</sup>lt;sup>1</sup> Formerly Part 3203, § 3203.1.

#### SCHEDULE A

Alignment gauges (except as listed in Schedule B)

Battery boosters. Battery carrier straps (metal except post lugs)

Battery chargers: floor, stand and wall type (except as listed in Schedule B) Battery chargers: trickle type (except in-dustrial installation)

Battery testers (except as listed in Schedule B or C)

Body and fender tools (hand, pneumatic, hydraulic or electric operated)
Brake testing machines: automotive ve-

hicle type

Car washers: pressure and/or nozzle type Car washing machinery

Chuck gauges (tire air pressure) Cleaners: steam vapor (except as listed in Schedule B)

Combustion analyzers: automotive vehicle carburetion testing type

Creepers: metal construction

Distributor setting machines (except as listed in Schedule B)

Dynamometers: chassis

Electrical testing equipment: automotive vehicle type (except as listed in Schedules B or C)

Engine flushing machines: internal

Engine repair stands (except as listed in

Schedule B)
Frame straightening equipment (except as listed in Schedule B)

Frame straightening racks

Front end equipment (except as listed in Schedule B)

Gasoline mileage testers

Headlight testers: automotive vehicle type Jacks: pit, lift or vibrating; mechanical or hydraulic (except as listed in Schedule C) Jacks: shop, wheel type; mechanical or hy-

draulic (except as listed in Schedule C) Jacks: portable, bumper, or tool-box type (less than 3 tons capacity) Lifts: automotive vehicle (except as listed

in Schedule B)

Motor analyzing equipment (except as listed in Schedule B or C) Motor reconditioning equipment (except as listed in Schedules B or C) Spark plug cleaners; pedestal or stand type

Spark plug testers Tire air hose reels

Tire air pressure gauges (except as listed in

Schedule C)
Tire air service equipment: tower; pedestal
or wall type (except as listed in Schedules B or C)

Tire pumps (except as listed in Schedules B or C)

Tire scuff checking devices (except as listed in Schedule B)

Wheel spinners

Wheel balancers (automotive vehicle type) Wheel removing dollies (except as listed in Schedule C)

Wheel spinners

#### SCHEDULE B

Alignment gauges: portable (including only caster, camber, king-pin, toe-in, tracking, turning radius, or combinations thereof)

Alignment gauges: stationary, drive-over type (not over 75 pounds metal content) Armature growler (automotive vehicle testing type)
Battery chargers (wall type, six battery or

over capacity)

Battery chargers: fast type (battery leads not to exceed 7 feet each; AC lead not to extend beyond charger case)

Battery jumpers
Bearing oil leak detectors
Brake bleeding equipment
Brake fillers

Brake lining appliers

Brake lining grinders

Brake riveters Brake shoe gauges

Circuit testers (automotive vehicle testing

Cleaners: steam vapor (self-firing or gen-

erating)
Coll testers (automotive vehicle testing type)

Condenser testers (automotive vehicle

testing type)
Cylinder leakage testers (automotive vehicle testing type)
Distributor setting machines: bench model Engine repair stands: engine revolving

Frame straightening machines: to include all gauges, tools and parts necessary for removing all lateral and vertical bends from the frames of all automotive vehicles (metal content not to exceed

2,000 pounds total weight)
Front end machines: heavy duty: to include all gauges, tools and parts necessary to check and correct to manufacturers' specifications all angles of steering geometry on all conventional axis automative vehicles (metal content not to motive vehicles (metal content not to exceed 2,500 pounds total weight) Front end machines: light duty; to include

all gauges, tools, and parts necessary to check and correct to manufacturers' specifications all angles of steering geometery on all automotive vehicles of 1½ tons capacity and under (metal content not to exceed 1,000 pounds total weight)

Fuel pump testers (automotive vehicle

testing type).
Generator test benches (automotive ve-

hicle testing type)
Jacks: curb-wheel type (1½ ton capacity)
Lifts: automotive vehicle twin post type (capacity not less than ten tons)

Magneto rechargers Magneto testers

Master air gauges (tire air gauge testers)
Motor block test heads (automotive vehicle testing type)

Fiston expanding machines
Speedometer testing machines
Tire changing tools
Transmission and/or differential degreas-

ing flushers Wheel straightening equipment Wrecking cranes (truck mounted type)

#### SCHEDULE C

Air chucks Air pressure gauges (pencil type and/or truck service type) Anti-freeze testers Battery fillers

Battery hydrometers Battery testers (prong type) Bearing resizing machines Brake drum gauges

Brake drum grinders Brake drum lathes Bushing grinders

Cam angle meters
Clutch pressure plate grinders
Clutch rebuilding equipment
Compression gauges (automotive vehicle

testing type)
Connecting rod aligners Connecting rod boring machines Connecting rod grinding machines Cylinder reboring bars

Cylinder head resurfacers

Cylinder hones Cylinder ridge reamers

Cylinder sleeve pullers Jacks: pit or lift (not less than five tons capacity)
Jacks: shop; wheel type (four and ten ton

capacity)
Horses or trestles: Automotive shop type

Main bearing boring equipment

Piston grinders Piston pin bushing hones (portable) Piston ring compressors

Rebabbiting machines (automotive shop type)

Ring groove cleaning tools Spark plug cleaners: bench type

Spark plug tire pumps and/or adapters: (metal content not over two pounds) Spring testers: valve or clutch spring Timing lights (automotive vehicle testing

type) Tire air pressure gauges (pencil type and/or

truck service type)
Tire pumps: engine operated (metal content not over two founds)

Tire pumps: foot operated Tire pumps: hand operated (11/2" x 20" barrel, flat base)

Tire valve service tools Transmission jacks

Vacuum gauges (automotive vehicle testing type)

Valve grinders Valve refacers Valve seat grinders Valve seat insert tools

Valve spring compressors Wheel removing dollies: heavy duty (dual wheel capacity)

#### INTERPRETATION 1

[Superseded by paragraph (a) (3) of L-270, as amended Nov. 8, 1943.]

[F. R. Doc. 43-18069; Filed, November 8, 1943; 3:26 p. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Interpretation 10 to CMP Reg. 51

#### CONCRETE AND AGGREGATES

The following interpretation is issued with respect to CMP Regulation 5:

The term "products for structural use not elsewhere listed" appearing under "Build-ing Materials" on Schedule II of CMP Regulation No. 5 includes light-weight aggregates, ready-mixed concrete and pre-mixed bituminous concrete.

Issued this 9th day of November 1943. WAR PRODUCTION BOARD,

By J. JOSEPH WHELAN, Recording Secretary.

[F. R. Doc. 43-18104; Filed, November 9, 1943; 11:50 a. m.]

PART 3290-TEXTILE COTHING, AND LEATHER :

[General Limitation Order L-68, as Amended Nov. 9, 1943]

CLOSURES AND ASSOCIATED ITEMS

Section 1137.1 General Limitation Order L-68 is amended to read:

§ 3290.301 General Limitation Order

L-68—(a) Definitions. In this order:
(1) "Copper bearing material" means "copper," "copper base alloys," "copper products" and "copper base alloy products," as defined in Conservation Order M-9-c.

(2) "Zinc" means zinc metal which has been produced by any electrolytic, electro-thermic, or fire refining process. It shall include zinc dust, scrap zinc, zinc metal produced from scrap and any alloy in the composition of which the percentage of zinc metal by weight equals or exceeds the percentage of all other

<sup>&</sup>lt;sup>1</sup>Formerly 1137, § 1137.1.

metals. "Zinc" does not include such metal used as a protective coating applied to any of the items covered by this

(3) "Zinc products" means zinc in the form of sheet, strip, rod, wire, castings or dust.

(4) "Stainless steel" means corrosion or heat resistant alloy iron or alloy steel containing 10% or more of chromium with or without nickel and/or other alloying elements.

(5) "Process" means to cut, punch or stamp out, or to cast on or otherwise at-

tach to tape.

(6) "Preferred order" means any purchase order, contract, or subcontract, in hand at the time of processing, from or for the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration. The exceptions in this order relating to preferred orders shall apply only for a material, and only to the extent, required by the applicable specifications.

### Restrictions

- (b) Restrictions on manufacture of slide fasteners. No person shall process any metal in the manufacture of slide fasteners or parts thereof, except in accordance with the following requirements:
- (1) Copper bearing material may be used as permitted by Conservation Order M-9-c by appeals or otherwise.

(2) Zinc or zinc products may be used to fill preferred orders.

(3) Carbon steel, or stainless steel where required for corrosion or nonmagnetic properties, may be used to fill preferred orders and to fill orders in hand at the time of processing for skirt and dress placket fasteners for use in uniforms of the Nurses' Corps of Women's divisions of the Army or Navy of the United States in accordance with the applicable specifications.

(4) Steel acquired upon written authorization of the War Production Board under any of its special programs may be used without restriction, except that the quantity processed for slide fasteners during any calendar quarter shall not exceed 66%% of the average quarterly poundage of all metals used by such person for such purpose during

the year ending June 30, 1941.

(c) Salvage of slide fasteners. Slide fastener chain or slide fasteners produced in the filling of orders as provided in subparagraphs (1), (2) or (3) of paragraph (b) above, which for any reason are or will be rejected by the purchaser, and over-runs, may be salvaged, sold, or delivered only as specifically authorized in writing by the War Production Board. Applications for such authorization shall contain a statement:

(1) That the slide fasteners to be salvaged or made therefrom have been offered for sale to and refused by the Philadelphia Quartermaster Depot and the Navy Bureau of Supplies and Accounts, accompanied by a copy of such offers and refusals;

(2) Of the total by weight of such chain and slide fasteners with respect to which such authorization is sought;

(3) Of the total by weight of slide fasteners delivered in accordance with subparagraphs (1), (2) or (3) of paragraph (b) above, and accepted during the period in which the chain or slide fasteners for which such authorization is sought were accumulated.

Note: This reporting requirement has been approved by the Bureau of the Budget under the Federal Reports Act of 1842.

(d) Restrictions on manufacture of hooks and eyes and brassiere hooks. No person shall process any metal in the manufacture of hooks and eyes or brassiere hooks except in accordance with the following requirements:

(1) Zinc or zinc products may be used

to fill preferred orders.

(2) Steel may be used without restriction, except that in manufacturing establishments located in Groups 1 or 2 of the labor market areas designated by the War Manpower Commission the quantity processed for hooks and eyes and brassiere hooks during any calendar quarter shall not exceed the average quarterly poundage of all metals used by such person for such purpose during the year ending June 30, 1941.

(e) Restrictions on manufacture of sew-on, machine-attached or riveted snap fasteners. No person shall process any metal in the manufacture of sew-on, machine-attached or riveted snap fasteners, except in accordance with the

following requirements:

(1) Copper bearing material may be used as permitted by Conservation Order M-9-c by appeals or otherwise.

(2) Zinc or zinc products may be used

to fill preferred orders.

- (3) Steel may be used without restriction, except that in manufacturing establishments located in Group 1 or 2 of the labor market areas designated by the War Manpower Commission the quantity processed for sew-on machineattached and riveted snap fasteners during any calendar quarter shall not exceed the average quarterly poundage of all metals used by such person for such purpose during the year ending June 30, 1941.
- (f) Restrictions on manufacture of metal buttons: No person shall process any metal in the manufacture of buttons or parts thereof for clothing, except in accordance with the following requirements:
- (1) Copper bearing material may be used as permitted by Conservation Order M-9-c by appeals or otherwise.

(2) Zinc or zinc products may be used to fill preferred orders.

(3) Steel may be used to manufac-

(i) Buttons for delivery to or for the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration;

- (ii) Open top buttons consisting of not more than two pieces exclusive of the tack or fastener and limited to 22 ligne fly buttons of plain design and 27 ligne buttons with wreath design for the remainder of the garment, for use on overalls, overall suits, and dungarees,
- (iii) Closed top buttons, consisting of not more than four pieces exclusive of the tack or fastener and not exceeding

36 ligne in size, for use on coated fabric garments.

(g) Restrictions on manufacture of certain other items. No person shall process any metal in the manufacture of buckles, burrs, clothing trim or ornaments, corset clasps or boning, eyelets, garter clasps, grommets, grommet washers, hose supporters, loops, rivets, slide-loops, tacks, suspender trouser trimmings, or parts slides, clasps, thereof, except in accordance with the following requirements:

(1) Copper bearing material may be used as permitted by Conservation Order M-9-c by appeals or otherwise.

(2) Zinc or zinc products may be used to fill preferred orders for such products and to manufacture eyelets and boning tips for use in Class I and Class II garments, as defined in Limitation Order L-90 as issued December 15, 1942.

- (3) Steel may be used without restriction, except that in manufacturing establishments located in Groups 1 or 2 of the labor market areas designated by the War Manpower Commission the quantity processed for such items (other than loops, slides and slide-loops for work clothing) during any calendar quarter shall not exceed the average quarterly poundage of all metals used by such person for such purpose during the year ending June 30, 1941, and except that loops, slides and slide-loops for men's overalls, overall suits and dungarees may be made in only one size and not to exceed 1%" and for boys' overalls, overall sults and dungarees in only one size and not to exceed 134".
- (h) Restrictions on delivery and use. No manufacturer of an item covered by this order shall sell or deliver it and no person shall commercially buy, receive, or use any such item, knowing or having reason to believe that it was manufactured or that it is or will be sold, delivered or used contrary to the purposes and requirements specified in this order.

# General Exceptions

(i) General exceptions. The restrictions of this order shall not apply to:

(1) The sale, delivery or use of parts. manufactured prior to April 1, 1942, for the repair or reconditioning of used slide fasteners.

(2) Any item covered by this order. necessary for use in safety equipment as defined and permitted by Limitation Order L–114.

(3) The use of zinc or zinc products as permitted by paragraph (c) ("General exceptions.") of Conservation Order M-11-b.

#### Equitable Distribution

(j) Equitable distribution. It is the policy of the War Production Board that items covered by this order not required to fill rated orders shall be distributed equitably. In making such distribution, due regard should be given to essential civilian needs, and there should be no discrimination in the acceptance or filling of orders as between persons who meet the seller's regularly established prices and terms of sale or payment. Under this policy every seller of the items, so far as practicable, should make available an equitable proportion of his merchandise to his customers periodically, without prejudice because of their size, location, or relationship as affiliated outlets. It is not the intention to interfere with established channels and methods of distribution unless necessary to meet war or essential civilian needs. If voluntary observance of the policy outlined is inadequate to achieve equitable distribution, the War Production Board may issue specific directions to named concerns. A failure to comply with a specific direction shall be deemed a violation.

# General Provisions

(k) Applicability of regulations. This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(1) Appeals. Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of

the appeal.

(m) Communications. All communications concerning this order shall, unless otherwise directed in writing, be addressed to War Production Board, Textile, Clothing and Leather Division,

- Washington (25), D. C. Ref. L-68.
  (n) Violations. Any person who wilfully violates any provision of this order, or who in connection with this order . wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine and imprisonment. In addition any such person may be prohibited from making or obtaining further deliveries of, or from processing or using materials under priorities control and may be deprived of priorities assistance.
- (o) Records. Each manufacturer of an item covered by this order shall preserve for at least two years complete and accurate records of inventories and receipts of each metal and alloy used, and of the production, deliveries, and inventories of each such item, classified according to the metal or alloy from which each such item was manufactured. The record-keeping provisions of this paragraph have been approved by the Bureau of the Budget under the Pederal Reports Act of 1942.

Issued this 9th day of November 1943., WAR PRODUCTION BOARD, By J. JOSEPH WHELAN, Recording Secretary.

[F. R. Doc. 43-18105; Filed, November 9, 1943; 11:50 a. m.]

PART 3294 1-IRON AND STEEL PRODUCTION [Supplementary Order M-21-e, as Amended Nov. 9, 1943]

TIN PLATE, TERNE PLATE AND TIN MILL BLACK PLATE

Section 962.6 (Supplementary Order M-21-e) is amended to read as follows:

§ 3294.101 Supplementary Order M-21-e. (a) Definitions. For the purposes of this order:

(1). "Tin plate" means steel sheets coated with tin (including primes, sec--onds, and waste-waste) and includes:

(i) "Electrolytic tin plate," in which the tin coating is applied by electrolytic deposition, and

(ii) "Hot dipped tin plate," in which the tin coating is applied by immersion in molten tin.

(2) "Terne plate" means steel sheets coated with terne metal (including primes, seconds, and waste-waste) and includes: ' a

(i) "Short ternes," meaning steel sheets coated with terne metal on tin

mill coating machines, and
(ii) "Long ternes," meaning steel sheets coated with terne metal on sheet mill coating machines.

(3) "Reconditioned tin plate or terne plate" means damaged tin plate or terne plate which has been put into useable condition by recoating.

(4) "Terne metal" means the lead-tin alloy used as the coating for terne plate, but does not include lead recovered from secondary sources which contains not more than 21/2% residual tin.

(b) Restrictions on use of tin plate and terne plate. Except to the extent

specified in Schedule A:

(1) No person shall use tin plate or terne plate in the production of any item or part thereof.

(2) No person shall use hot dipped tin plate with a pot yield in excess of 1.25 pounds per base box except in gauges heavier than 112 pounds per base box, which have been coated with the minimum practicable weight of tin.

(3) No person shall use electrolytic tin plate with a tin coating (as determined by average spot coating tests) in excess

of .50 pound per base box.

(4) No person shall use short ternes with a pot yield in excess of 1.30 pounds per base box.

(5) No person shall use long ternes with a pot yield in excess of 4 pounds per base box.

(c) Restrictions on use of terne metal. Unless specifically authorized in writing by the War Production Board:

(1) No person shall use terne metal containing over 15% tin in tin mill coating machines.

(2) No person shall use terne metal containing over 10% tin in sheet mill coating machines.

(d) Restrictions on production, sale, and delivery of tin plate and terne plate. No person shall produce, sell, or deliver tin plate or terne plate to or for the account of any person if he knows or has reason to believe that such material will be used in violation of the terms of this order or any other or further order or direction of the War Production Board.

(e) Exceptions. The provisions of paragraph (b) shall not apply to the materials listed in Schedule B, except that no person shall use such materials in the production of any items, or parts thereof, other than those items in the production of which iron or steel is permitted by other existing or future or-

ders of the War Production Board.
(f) Substitution of material with lower tin content. Wherever Schedule A permits use of tin plate or terne plate in any grade, tin plate or terne plate coated with less tin per base box may be used.

(g) Special directions. The War Production Board may from time to time issue special directions as to production, sale, delivery, and use of tin plate, terne plate and tin mill black plate, which may include directions as to the tin or lead content of tin plate and terne plate.

(h) Purchasers' reports. Each person who purchases tin plate, short ternes, or tin mill black plate, except whole-sale dealers, shall file with the War Production Board monthly reports on Form WPB-1383. The reporting provisions of this order have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(i) Applicability of other orders. In-sofar as any other order of the War Production Board may have the effect of limiting to a greater extent than herein provided the use of any material in the production of any item, the limitation of

such order shall be observed.

(j) Appeal. Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(k) Violations. Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(1) Communications. All reports to be filed hereunder and communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Steel Division, Washington 25, D. C., Ref.: M-21-e.

Issued this 9th day of November 1943. WAR PRODUCTION BOARD. By J. JOSEPH WHELAN, Recording Secretary.

SCHEDULE A .

#### Permitted uses Permitted materials

Maximum permitted coats a ing of tin or of sering motal

<sup>&</sup>lt;sup>1</sup> Formerly Part 962, § 962.6.

Articles to be purchased by or for the account of the Army of the U.S.
 Articles to be purchased by or for the account of the Navy of the U.S.
 Articles to be purchased by or for the account of the U.S. Maritime Commission.
 Articles to be purchased by or for the account of the War Shipping Administration.
 Cans.

As specified (including performance specifications).

As specifically authorized by or pursuant to Conservation Order M-81, as amended.

#### SCHEDULE A-Centinuel

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Permitted uses	Permitted materials	Maximum remitted coat- ing of the er of tems metal
6. Closures	As specifically authorized by	orpurcuant to Conservation
7. Baking pans for institutions and commercial bakers.	Order M-104, es amended.	1.25 lbs. per bece box. 0.69 lb. per bese box.
8. Brushes, power driven	Short ternes	1.50 lbs. per base bax. 4 lbs. per base bax.
9. Carbide non-explosive emergency lights	Long ternes  Reconditioned terne plate  Short ternes  Long ternes	1.00 lbs. per bece bex. 4 lbs. per base bex.
10. Chaplets, skimgates and tin forms for foundry use	Reconditioned terms plate	1.25 lbs. per base bar. 0.60 lbs. per base bar.
• .	Short ternes	1.20 lbs. per baro box. 4 lbs. per baro box.
11. Cheese vats	Hot dipped tin plate	11 lbs. per base box.
12. Component parts for: Internal combustion engines including cooling systems, fuel systems, and lubricating systems—but only where less essential material is impractical because of corrosion	Reconditioned in plate	1.00 lbs. per been bex. 4 lbs. per been bex.
or solderability.  13. Cylinder liners for lard and fruit presses.  14. Dairy ware and equipment, including dairy palls, milk strainer palls, hooded milking palls, milk kettles, setter or cream cans, weigh cans, measures and test-ware, bottle conveyors, ico cream	Hot dipped tin plate Hot dipped tin plate Electrolytic tin plate Reconditioned tin plate	1.25 lbs. per beso bex. 3.20 lbs. per beso bex. (24 cherecel). 0.60 lbs. per beso bex.
kettles, setter or cream cans, weigh cans, measures and test-ware, bottle conveyors, ico cream freezers, milk filters, receiving tanks, separators, strainers, upper and lower troughs and covers for surface type heaters and coolers, and testing equipment.  15. Diamond cutting wheels	Electrolytic tin plate	0.00 lbs. per base box.
<ol> <li>Dusters, hand, for disinfectant and pest control; parts requiring solderable coatings.</li> </ol>	Reconditioned tin plato Short termes Long termes	1.00 lbs. per base box. 4 lbs. per base box.
17. Electrical equipment parts requiring solderable coatings.	Reconditioned terms plate.  Ehort terms.  Long terms.  Reconditioned terms plate.	1.20 lbs. per bare box. 4 lbs. per bare box.
18. Fuel tanks	Long ternes	1.20 les. per baro ber. 4 lbs. per baro ber.
19. Gas mask canisters	Short ternes. Long ternes. Recordificated terms plate	1.00 lbs. per bare box. 4 lbs. per bare box.
20. Gas meters	Hot gibbeg tin bizte	charceal).
	Electrolytic tin plate	4 -
21. Heat exchangers	Long ternes Reconditioned terno plate Short ternes Long ternes	1.20 lbs. per bare bex. 4 lbs. per bare bex.
22. Integral parts of signal cells—but only for current collectors and baskets.	Heconditioned terms plate Hot dipped tin plate Electrolytic tin plate	1.25 per base box. 0.00 lbs. per base box.
23. Lining of drying chambers for milk and egg dehydration.	Reconditioned tin plate Hot dipped tin plate Reconditioned tin plate	11 lbs. per basa box.
24. Maple syrup evaporators	Hot dipped tin plate	11 lbs. per basa bar. 1.20 lbs. per basa bar. 4 lbs. per basa bar.
-26. Oil lanterns	Reconditioned terms plate Ehort terms	1.20 lbs. per base box. 4 lbs. per base box.
27. Roofing—but only for repair purposes	Reconditioned terms plate Short terms Long terms Reconditioned terms plate	1.20 lbs. per been ber. 4 lbs. per been ber.
28. Safety cans for inflammable liquids.	Long ternes	1.00 lbs. per base box. 4 lbs. per base box.
<ol> <li>Sprayers, hand, for disinfectant and pest control;</li> <li>Bodies, pumps and siphon tubes.</li> </ol>	Reconditioned tin plate	0.00 lbs. per base ben.
<ol> <li>Textile spinning cylinders, card screens, spools and bobbins.</li> </ol>	Hot dipped tin plate	1.23 lbs. per bess ber. 0.00 lbs. per bess ber.
of Thereades for all and see will deside	Long ternes Reconditioned terno plate	1.00 lbs. per bare ber. 4 lbs. per bare box. 1.00 lbs. per bare box.
31. Torpedoes for oil and gas well shooting	Long ternes Reconditioned terne phie	1.20 lbs. per baro bar. 4 lbs. per baro bar.
32. Vaporizing liquid fire extinguishers	Long ternes Reconditioned terno plate	1.00 lbs. per bese ber. 4 lbs. per bese ber.
33. Wick holders for oil stoves	Long ternes Reconditioned terno plate	120 lbs. per base bas. 4 lbs. per base bas.
	<u> </u>	<u> </u>

# SCHEOULE B

- 1. Hot dipped tin plate waste-waste outside the gauge range from 80 to 107 lbs. per base hor
- 2. Electrolytic tin plate waste-waste.
- 3. Short terne waste-waste outside the gauge range from 80 to 107 lbs. per base box.
- 4. Furnace pipe and fitting materials which were in inventory on May 16, 1942, but only for sale or delivery on orders for maintenance and repairs regardless of rating or for sale or delivery on orders for defence housing to the extent specified in the Defence Housing Critical List.

- 5. Materials in inventory (other than materials referred to in item 4 of Schedule B above) which were put into process, painted, lacquered, lithographed, or enameled on or before May 16, 1942.
- before May 16, 1942.
  6. Materials outside the gauge range from 75 to 112 lbs. per base box which were in inventory on May 16, 1942.
- 7. Any item of less than 5 net tons of tin plates, short ternes, or long ternes in the inventory of a person not regularly engaged in the cale of such material which is different from all other items of tin plates, short ternes, or long ternes in such inventory by reason of one or more of its specifications such as length, width, thickness, temper, base teel analysis, coating, method of manufacture, etc.

[F. R. Doc. 43-18106; Filed, November 9, 1943; 11:59 a. m.]

Chapter XI-Office of Price Administration

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[LIPR 143, Amdt. 8]

WHOLESALE FRICES FOR NEW RUBBER TIRES
AND TUBES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Section 1315.1502 (f) is added to read as follows:

(f) Special maximum prices. paragraph (f) applies to any brand owner, other than a manufacturer, whose maximum wholesale prices on his own brands of tires and tubes under the other provisions of this section result in a total price which is less than the sum of the following items: (1) his total purchase price figured on the basis of his seller's maximum prices for tires and tubes under § 1315.1505 and (2) his actual warehousing and actual transportation costs. This comparison of permitted selling price to buying cost shall be made on the basis of the brand owner's actual purchases of all sizes and types of his own brands of tires and tubes for the preceding 30 days or the most recent 30-day accounting period. Notwithstanding any other provision of this section, the maximum wholesale prices for sales and deliveries of tires and tubes of his own brands by any brand owner covered by this paragraph (f) shall be determined under § 1315.1507 of this regulation. The brand owner must make the application to the Office of Price Administration, Washington, D. C., that is required by that section.

This amendment shall become effective November 15, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9323, 8 F.R. 4681)

Issued this 9th day of November 1943.

CHESTER BOWLES,

Administrator.

[F. R. Doc. 43-18039; Filed, November 9, 1943; 11:45 a. m.]

<sup>\*</sup>Copies may be obtained from the Office of Price Administration.

<sup>18</sup> F.R. 12326.

PART 1340—FUEL [RPS 88,1 Amdt. 134]

#### PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Fedéral Register.\*

Section 1340.159 (c) (8) is added to read as follows:

(8) Shipments of gasoline, kerosene, and distillate fuel oils from designated Mid-western areas to Petroleum Administration for War District One.

MAXIMUM PRICES IN BULK LOTS LOADED INTO TRANS-PORTATION FACILITIES F. O. B. SHIPPING POINTS IN AREAS DESIGNATED BELOW FOR SHIPMENT TO ULTI-MATE DESTINATIONS IN P. A. W. DISTRICT ONE

#### [Cents per gallon]

	Price area A	Price area E	Price area F	Price area H-1
Gasoline: 80-82 oct. ASTM and ethyl grade. 22-74 oct. ASTM. 63-66 oct. ASTM. 60-62 oct. ASTM and below Kerosene and distillate fuel oils: 42-44 grav. W. W. kerosene 41-43 grav. W. W. kerosene Range or stove oil No. 1 P. W. distillate (fuel oil). No. 1 straw fuel oil No. 2 fuel oil No. 3 fuel oil	6. 875 6. 125 5. 75 5. 375 4. 625 4. 500 4. 125 4. 0 3. 875 3. 75 3. 625	7. 375 6. 625 6. 25 5. 875 5. 125 5. 00 4. 625 4. 50 4. 375 4. 25 4. 125	8.00 7.25 6.875 6.50 5.875 5.75 5.375 5.125 •5.000 •4.875	8. 25 7. 50 7. 125 6. 75 6. 125 6. 00 5. 625 5. 50 5. 375 5. 25 5. 125

<sup>\*</sup>For Lawrence and Crawford Counties add .125.

Price Area A comprises Kansas, excluding, however, Kansas City, Missouri, and the area within a radius of 25 miles thereof.

Price Area E comprises Kansas City, Missouri, and the area within a radius of 25 miles thereof.

Price Area F comprises St. Louis, Missouri, and that part of Missouri within a radius of 25 miles of St. Louis, Missouri, and the following counties of Illinois: St. Clair, Madison, Montgomery, Bond, Clinton, Washington, Jefferson, Marion, Fayette, Shelby, Effingham, Clay, Wayne, Hamilton, Christian, White, Edwards, Wabash, Richland, Lawrence, Crawford, Jasper.

Price Area H-1 comprises the following counties of Illinois: Lake, Cook, Du Page, and Will; the following counties of Indiana: Lake, Porter and La Porte.

This amendment shall become effective November 15, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of November 1943.

CHESTER BOWLES,

Administrator.

[F. R. Doc. 43-18090; Filed, November 9, 1943; 11:45 a. m.]

<sup>1</sup>8 F.R. 3718.

PART 1351—FOOD AND FOOD PRODUCTS
[MPR 289, Amdt. 21]

#### DAIRY PRODUCTS

Maximum Price Regulation No. 289 is amended in the following respects:

- 1. Section 1351.1501 (g) is added to read as follows:
  - (g) Milk sugar.
- 2. Section 1351.1525 is added to read as follows:

§ 1351.1525 Maximum prices for milk sugar. (a) Definitions. (1) "Milk sugar" (lactose) means the sugar which is obtained from cow's milk. The term includes any such sugar whether it is sold in powdered or crystalline form.

(2) "Refined milk sugar" means milk

(2) "Reined milk sugar" means milk sugar, U.S.P. That is, it conforms to all of the standards for milk sugar set forth in the latest edition of the United States Pharmacopoeia.

(3) "Technical milk sugar" means milk sugar which equals milk sugar, U. S. P. in all respects, except that its solution in water may be straw color and its ash content may be 1.0 percent.

(4) "Crude milk sugar" means milk sugar which is neither refined milk sugar nor technical milk sugar.

(5) "Producer" means any person who produces refined, technical, or crude milk sugar.

(6) "Packager" means a person (other than a producer) who buys milk sugar and packs it into containers.

(7) "Wholesaler" means a person who buys milk sugar in a container and sells it in the same container to persons other than household consumers. A person may be a wholesaler with respect to certain sales and a packager with respect to other sales, depending on whether or not he packed the milk sugar into a container.

(8) "Retailer" means a person who buys milk sugar in a container and sells it in the same container to household consumers.

(9) "Item" means a particular unit of sale of a particular brand and type of milk sugar in a particular container size.

(10) "Barrel" means a wooden barrel costing approximately 1 cent per pound of milk sugar.

(b) Producer prices. (1) Sales made in "barrels." The producers maximum prices f. o. b. plant for milk sugar sold in barrels to any class of purchaser shall be those listed in the following Table A.

Table A

•		Cents per por	and (f. o. b. pla	nt)
Quantity .	"Refined"	"Technical"	"Crude" sold for laboratory use	"Crude" sold for further refinement
1 to 9 bbls., inclusive	2714 2634 26	251/4 243/4 24	19 19 19	17 17 17

(2) Sales made in containers other than "barrels". The producers maximum prices f. o. b. plant for milk sugar sold in containers other than barrels shall be those listed in the following Table B, plus the actual cost of the container.

TABLE B

	(	ents per poun	d (f. o. b. plant	<b>)</b>
Quantity	"Refined"	"Technical"	"Crude" sold for labora- tory uso	"Orude" sold for further refinement
Less than 1800 lbs	2614 · 2534 25	241/4 2334 23	18 18 18	10 10 10

(3) Discounts and allowances. The maximum prices established for producers shall not be increased by brokerage fees, commissions, or other charges. However, the maximum prices shall be decreased to reflect the producers customary discounts and allowances, including those given for prompt payment, but not including the discount based solely on quantity of purchase.

(4) F. o. b. and delivered prices. The producers prices are f. o. b. the producers plant. If the sale is made on a delivered basis, the maximum delivered price shall not exceed the applicable f. o. b.

price plus the actual freight charges incurred from the producers plant to the purchasers receiving point; such freight charges in no event to exceed the lowest established rate for the mode of transportation employed.

(5) Evasion. Specifically, the producer prices shall not be increased by any arrangement between the buyer and seller whereby a seller is to ship or sell, and the buyer receive or buy, a smaller quantity of milk sugar than that which was actually ordered, or would have been ordered but for the attempted evasion.

<sup>\*</sup>Copies may be obtained from the Office of Price Administration.

(c) Packager prices. Packager maximum prices for each item of milk sugar shall be the maximum prices established pursuant to Maximum Price Regulation

280, plus the following:

(1) The difference between the "old cost" of the milk sugar ingredient in the item and the "new cost" of the milk sugar ingredient in the item. The "old cost" is the packager's delivered cost (price paid supplier, less all discounts except the discount for prompt payment; plus transportation charges, if any, to his place of business) for his latest purchase of a customary quantity of the milk sugar ingredient from a customary supplier occurring prior to November 15, 1943. The "new cost" is the packager's delivered cost (price paid supplier less all discounts, except the discount for prompt payment, plus transportation charges, if any, to his place of business) for his first purchase of milk sugar ingredient in a customary quantity from a customary supplier, occurring after No-

vember 14, 1943.
(i) If at any time after establishing a "new cost" the packager's source of supply changes resulting in a decrease in the cost of milk sugar, he must recalculate his prices by reestablishing a "new cost" based on the first purchase of a customary quantity from the new supplier. Where the source of supply changes resulting in an increase in the cost of milk sugar, he may recalculate his prices by reestablishing a "new cost" based on the first purchase of a customary quantity from the new supplier.

Note: The packagers maximum prices remain as established under Maximum Price Regulation 280 until such time as the packager has a new cost and is able to compute his prices under this paragraph. Thereupon, the new prices so established apply only to those items containing milk sugar which was purchased at an increased cost.

(d) Wholesaler prices. Wholesaler maximum prices for each item of milk sugar shall be the maximum prices established pursuant to Maximum Price Regulation 280, plus the following:

(1) The difference between the "old cost" of the item and the "new cost" of the item. The "old cost" is the wholesaler's delivered cost (price paid supplier less all discounts, except the discount for prompt payment, plus transportation charges, if any, to his place of business) for the latest purchase of the item in a customary quantity from a customary supplier occurring prior to November 15, -1943. The "new cost" is the delivered cost (price paid supplier less all discounts, except the discount for prompt payment; plus transportation charges, if any, to the place of business) for the first purchase of the item in a customary quantity from a customary supplier, occurring after November 14, 1943.

(i) If at any time after establishing a "new cost" the wholesaler's source of supply changes resulting in a decrease in the cost of the items, he must recalculate his prices by reestablishing a "new cost" based on the first purchase of a customary quantity from the new supplier. Where the source of supply changes, resulting in an increase in the cost of the items, he may recalculate his prices by reestablishing a "new cost" based on the first purchase of a customary quantity from the new supplier.

Note: Wholesaler maximum prices remain as established under Maximum Price Regulation 280 until such time as they have nevz cost" and are able to compute their prices under this paragraph. Thereupon, the new prices apply only to that part of their inventory upon which a price increase has been experienced.

(e) Retailers prices. A retailer's maximum prices for each item of milk sugar shall be his "delivered cost" (price paid supplier less all discounts, except the discount for prompt payment; plus transportation charges, if any, to the place of business); plus the dollar and cents markup which he customarily applied to such items, not to exceed the highest markup used during the period March 1, 1942 through October 2, 1943.

Note: A retailer cannot, of cource, use a markup which was based on a price in excess of the price allowed by Maximum Price Regulation 280.

- (e) Reports—(1) Producer reports. Producers establishing maximum prices for sales in containers other than barrels, must within 30 days after establishing such prices, file with the Manufactured Dairy Products Section. Office of Price Administration, Washington, D. C., a statement showing the following:
- (i) The producer's name and address, (ii) The prices established pursuant to paragraph (b) (2) of this section for sales in containers other than barrels.

(iii) The cost of the container and a

description thereof.

- (2) Packager reports. Packagers establishing maximum prices for items which they pack, must within 30 days after establishing such prices, file with the Manufactured Dairy Products Section, Office of Price Administration, Washington, D. C., a statement showing the following:
- (i) The packager's name and address. (ii) The maximum prices established pursuant to Maximum Price Regulation

280 for each item which they pack,
(iii) The "old cost" and the "new cost" as determined pursuant to paragraph (c) (1) of this section, and

- (iv) The maximum prices established pursuant to paragraph (c) of this section.
- (f) Calculations. In calculating the price of a particular order whether it be for a pound, carload, dozen, etc., calculations shall be carried to the second decimal point of a cent. If the final price for the order results in a price which includes a fraction of a cent, the price shall be adjusted to the next higher cent where the fraction is one-half cent or more, and to the next lower cent where the fraction is less than one-half

This amendment shall become effective November 15, 1943.

Note: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the provisions of the Federal Reports Act of

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4631)

Issued this 9th day of November 1943. CHESTER BOWLES. Administrator.

[P. R. Doc. 43-18091; Filed, November 9, 1943; 11:45 a. m.]

> PART 1358-TOBACCOS [MPR 449, Amdt. 1]

GEORGIA AND FLORIDA SHADE GROWN TOBACCO OF THE 1943 CROP

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Maximum Price Regulation No. 440 is amended in the following respects:

Subparagraph (1) of section 4 (a) is amended to substitute for the phrase "the period January 1, 1942 through December 31, 1942", appearing in the first sentence of such subparagraph, the phrase "the period October 1, 1942 through May 31, 1943".

This amendment shall become effective November 15, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 FR. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of November 1943. CHESTER BOWLES, Administrator.

[F. R. Doc. 43-18093; Filed, November 9, 1943; 11:49 a. m.]

# PART 1363—FEEDINGSTUFFS [RMPR 74, Amdt. 5]

ARILIAL PRODUCT FEEDINGSTUFFS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith has been filed with the Division of the Federal Register.\*

Revised Maximum Price Regulation No. 74 is amended in the following re-

spects:

1. The definition of "dry rendered tankage" in section 3 is amended and a definition of a "grinder" is added to read as follows:

"Dry rendered tankage" means the dry rendered residue from animal tissues exclusive of hoof, horn, manure and stomach contents, except in such traces as might unavoidably occur in good factory practice. It shall not contain more than 15% fat.

"Grinder" is a person who converts dry or wet rendered tankage, not owned by him, into meat scraps or digester tankage for a service charge. His business is sometimes known as "toll or custom processing" pursuant to customer's

<sup>\*</sup>Copies may be obtained from the Office of Price Administration. <sup>2</sup>8 F.R. 10264.

orders, the customer owning and supplying the raw materials to be processed.

- 2. Section 6 (b) (2) is amended to read as follows:
- (2) For digester tankage, blood meal and blood flour, \$1.0755 for each percentage of the guaranteed percentage of protein therein, plus \$6.50 per ton and plus transportation charges from production plant of the digester tankage, blood meal or blood flour (or if imported, from port of entry thereof) to buyer's receiving point by a usual route and method of transportation.
- 3. Section 7 (a) is amended to read as follows:
- (a) In bags or other containers, furnished by the seller, by the actual cost of such bags or containers not exceeding any maximum price thereon at the time of purchase.

4. Section 7a is added to read as follows:

SEC. 7a. Maximum grinder's service charges. The maximum service charge of a grinder for converting dry or wet rendered tankage into meat scraps and digester tankage shall be so limited that the cost of the meat scraps and digester tankage to any person at his receiving point shall not exceed the maximum price of a like quantity and quality of meat scraps and digester tankage delivered at the same receiving point if purchased by said person from a processor whose production plant was located at the point where the grinder performed the service in question.

This amendment shall become effective November 15, 1943.

(66 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of November 1943.

Chester Bowles,

Administrator.

F. R. Doc. 43-18099; Filed, November 9, 1943; 11:49 a. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 418,1 Corr. to Amdt. 15]

FRESH FISH AND SEAFOOD

In Amendment 15 to MPR 418 the column heading "Bulk ex-vessel" is removed from Tables B, C, D and E.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of November 1943.

CHESTER BOWLES,

Administrator.

[F. R. Doc. 43-18092; Filed, November 9, 1943; 11:46 a. m.]

# PART 1382—HARDWOOD LUMBER [RMPR 97, Amdt. 10]

#### SOUTHERN HARDWOOD LUMBER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Revised Maximum Price Regulation No. 97 is amended in the following respects: In § 1382.112 (b) subparagraphs (37), (38), and (39) are added to read as follows:

(37) Mixed Hardwoods No. 1 Dimension.

Thickness and					Le	ngths (fe	et)			•	
width (inches)	4	6	8	•9	10	12	14	16	18	20	22 and 24
2 x 2 2 x 3 2 x 4 2 x 5 2 x 6 2 x 8 2 x 10 2 x 10	\$27.50 26.50 25.50 29.00 25.50 25.50 29.00 31.00	\$27.50 26.50 25.50 29.00 25.50 25.50 29.00 31.00	\$34.50 33.50 32.50 36.00 32.50 32.50 36.00 38.00	\$35, 50 34, 50 33, 50 33, 50 33, 50 33, 50 33, 50 40, 50	\$34.50 33.50 32.50 37.50 32.50 32.50 32.50 39.50	\$34.50 33.50 32.50 37.50 32.50 32.50 37.50 39.50	\$35.50 34.50 33.50 37.50 33.60 33.60 37.50 39.50	\$36, 50 35, 50 34, 50 38, 50 34, 00 34, 00 38, 50 40, 50	\$38.00 37.00 36.00 42.00 36.00 36.00 42.00 44.00	\$39.00 38.00 37.00 44.00 37.00 37.00 44.00 46.00	\$14. 60 43. 60 42. 60 48. 60 42. 60 42. 60 49. 60

# (38) Mixed Hardwoods No. 2 Dimension.

(Phiologogo and	,				Le	ngths (fe	et)				
Thickness and width (inches)	4	6	8	9	10	12	14 .	16	18	20	22 and 24
2x 2 2x 3 2x 4 2x 5 2x 5 2x 0 2x 8 2x 10 2x 12	\$25, 50 .24, 50 23, 50 24, 00 22, 50 22, 50 24, 00 26, 00	\$25, 50 24, 50 23, 50 24, 00 22, 50 22, 50 24, 00 26, 00	\$31,50 30,50 29,50 30,00 28,50 28,50 30,00 32,00	\$32,50 31,50 30,50 34,00 29,50 29,50 34,00 34,00	\$31,50 30,50 29,50, 33,00 28,50 28,50 33,00 33,00	\$31,50 30,50 29,50 32,00 28,50 28,50 32,00 33,00	\$32,50 31,50 30,50 32,00 20,50 20,50 32,00 33,00	\$33,50 32,50 31,50 32,00 30,00 30,00 32,00 34,00	\$35, 00 34, 00 33, 00 35, 50 32, 00 32, 00 35, 50 37, 50	\$30,00 35,00 34,00 37,50 33,00 37,50 37,50 38,50	\$41, 50 40, 50 30, 50 43, 00 39, 50 43, 00 44, 00

` (39) Mixed hardwoods industrial blocking. (Mixed oak and hardwoods).

This amendment shall become effective November 15, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of November 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-18100; Filed, November 9, 1943; 11:49 a. m.]

# PART 1382—HARDWOOD LUMBER [MPR 155,2 Amdt. 10]

# CENTRAL HARDWOOD LUMBER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Maximum Price Regulation No. 155 is amended in the following respects: 1. In § 1382.61 (b) subparagraphs (22), (23) and (24) are added to read as follows:

(22) Mixed Hardwoods No. 1 dimension.

Thickness and			٠,		Le	ngths (fe	et)	*			
width (inches)	. 4	6	8	9	10	12 '	14	16	18	20	22 and 24
2x 2	\$27, 50 26, 50 25, 50 29,00 25, 50 25, 50 29,00 31,00	\$27, 50 26, 50 25, 50 29, 00 25, 50 29, 00 31, 00	\$34, 50 33, 50 32, 50 36, 60 32, 50 32, 50 36, 00 ,38, 00	\$35, 50 34, 50 33, 50 33, 50 33, 50 33, 50 33, 50 40, 60	\$34.50 33.50 32.50 37.50 32.50 37.50 39.50	\$34, 50 33, 50 32, 50 37, 50 32, 50 32, 50 37, 50 39, 50	\$35, 50 34, 50 33, 50 37, 50 33, 50 33, 50 37, 50 39, 50	\$36,50 35,50 34,50 38,50 34,00 34,60 38,50 40,50	\$38.00 37.00 36.00 42.00 36.00 42.00 44.00	\$39,00 38,00 37,00 44,00 37,00 37,00 44,00 46,00	\$44,50 43,50 42,50 48,50 42,50 42,50 50;50

<sup>\*</sup>Copies may be obtained from the Office of Price Administration.

<sup>2</sup>8 F.R. 13007.

<sup>18</sup> F.R. 9366, 10086, 10513, 10939, 11734, 11687, 12468, 12233, 12688, 13297, 13182, 13302, 14049.

<sup>\*8</sup> F.R. 142, 3530, 5177, 5479, 8860, 10762, 11161, 11690, 13728.

(23) Mixed Hardwoods No. 2 dimension.

Thickness and	Lengths (feet)											
width (inches)	4	6	8	9	10	12	14	16	18	39	22 and	
2x 2	\$25, 50 24, 50 23, 50 24, 00 22, 50 24, 00 26, 00	\$25.50 24.50 23.50 24.00 22.50 24.00 24.00 20.00	\$31.55 \$31.55 \$32.55 \$35 \$35 \$35 \$35 \$35 \$35 \$35 \$35 \$35 \$	\$32.50 31.50 33.50 34.60 34.60 22.50 34.60 34.60	33223333333333333333333333333333333333	ននននននននន ភូក្ខព្យង្គក្រុងស	ននននននននន ម្លាក់នៅដ	55555555 66555555555555555555555555555	នួននននននន ប្រភពដសសសត	84888888888888888888888888888888888888	\$1.5 40.5 40.5 40.6 40.6 41.6 41.6	

2. In § 1382.64 (b) subparagraphs (34), (35) and (36) are added to read as follows: (34) Mixed Hardwoods No. 1 dimension.

Thickness and	Lengths (fect)										
width (inches)	4	6	8	9	10	12	14	16	18	න	22 and 24
2x 2 2x 3 2x 4 2x 5 2x 6 2x 8 2x 10 2x 12	\$27, 50 26, 50 26, 50 27, 50 27, 50 27, 50 27, 60 31, 60	\$27, 50 26, 50 25, 50 25, 50 25, 50 25, 50 21, 60 31, 00	\$34,50 33,50 32,50 36,60 32,50 32,50 36,60 38,00	\$35.50 34.50 33.50 33.50 33.50 33.50 34.50 40.50	\$34.50 33.50 33.50 33.50 33.50 33.50 33.50 33.50 33.50	\$34.50 \$3.50 \$3.50 \$7.50 \$2.50 \$7.50 \$7.50 \$7.50	######################################	\$3.50 \$3.50	\$3.00 \$7.00 \$4.00 \$4.00 \$4.00 \$4.00 \$4.00	(3.00 (3.00 (4.00 (4.00 (4.00 (4.00 (4.00	\$4.00 42.00 42.00 42.00 42.00 42.00 42.00

#### - (35) Mixed Hardwoods No. 2 dimension.

Thickness and	Lengths (feet)										
width (inches)	4	6	8	9	10	12	14	16	18	ಐ	22 and 24
2x2 2x3 2x4 2x5 2x6 2x6 2x8 2x10 2x10	\$25, 50 24, 50 23, 50 24, 00 22, 50 22, 50 24, 00 26, 00	\$25, 50 24, 50 23, 50 24, 00 22, 50 22, 50 24, 00 26, 00	\$31, 50 30, 50 29, 50 30, 60 28, 50 28, 50 30, 60 32, 60	\$32.59 31.59 30.59 34.69 22.59 34.69 34.69	\$3.50 \$3.50 \$3.50 \$3.50 \$3.50 \$3.50 \$3.50 \$3.50	55555555 555555555 55555555 55555 5555 5555	ននាននានានាន អ្នកនាងជាជាងនា	88888888 88888888888888888888888888888	######################################	2.0 2.0 3.0 3.0 3.0 3.0 3.0 3.0 3.0 3.0	\$1.00 40.00 40.00 83.00 83.00 44.00 44.00

(36) Mixed hardwoods industrial blocking (mixed oak and hardwoods).

This amendment shall become effective November 15, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of November 1943.

CHESTER BOWLES,

Administrator.

[F. R. Doc. 43-18102; Filed, November 9, 1943; 11:50 a. m.]

PART 1384—HARDWOOD LUMBER PRODUCTS [MPR 196,1 Amdt. 6]

TURNED OR SHAPED WOOD PRODUCTS

A statement of the considerations involved in the issuance of this amend-

17 F.R. 6078, 7254,-8016, 8945; 8 F.R. 11812.

ment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Maximum Price Regulation No. 196 is amended in the following respects:

- 1. Section 1384.54 Maximum prices; sales by any seller of a turned or shaped wood product with a published or confidential price list is revoked.
- 2. In § 1384.55 the headnote and first paragraph are amended to read as follows:
- § 1384.55 Maximum prices; sales by the manufacturer of a turned or shaped wood product. In the case of sales by the manufacturer of a turned or shaped wood product the maximum price to any purchaser shall be computed on the following basis:
- 3. In § 1384.56 the headnote title is amended to read: "Maximum prices; sales by the manufacturer of turned or shaped wood products which cannot be priced under § 1384.55," and the expressions "§§ 1384.54 or 1384.55" and "§ 1384.54 or § 1384.55," wherever ap-

pearing in § 1384.56 are amended to read "§ 1384.55."

4. Section 1384.57 is amended to read as follows:

§ 1384.57 Maximum prices; sales by sellers other than the manufacturer of turned or shaped wood products. (a) In the case of sales of a turned or shaped wood product by a seller other than a manufacturer, the maximum price to any purchaser for such product shall be the net price determined by applying to the seller's net invoiced cost on such product, not to exceed the applicable maximum price, the average percentage mark-up weighted by volume of sales, over net invoice cost realized during March 1942, for all turned or shaped wood products of the same class sold by such seller during March 1942 to purchasers of the same class.

(b) In the case of sales of a turned or shaped wood product by a seller other than the manufacturer, where the seller sold no turned or shaped wood product of the same class during March 1942, the maximum price shall be the maximum price computed under this Maximum Price Regulation No. 196 for sales of the product by the most closely competitive seller of the same class.

(c) In the case of sales of a turned or shaped wood product by a seller other than the manufacturer where the seller cannot compute a maximum price for such product in accordance with the provisions of paragraph (a) or (b) of this section, the seller shall apply to the Lumber Branch of the Office of Price Administration, Washington, D. C. for authorization to establish a maximum price pursuant to a pricing method proposed in writing by the seller.

This amendment shall become effective November 15, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of November 1943.

CHESTER BOWLES,

Administrator.

[F. R. Doc. 43-18093; Filed, November 9, 1943; 11:45 a. m.]

PART 1412—SOLVENTS [MPR 295,1 Amdt. 4]

WEST COAST ETHYL ALCOHOL

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Maximum Price Regulation No. 295 is amended in the following respects:

- 1. Section 1412.165 (g) (1) is amended by deleting from the first sentence thereof the phrase "Until and including December 31, 1943,".
- 2. Section 1412.165 (g) (2) is amended to read as follows:
- (2) Beginning with the calendar quarter ending December 31, 1943, maximum

<sup>\*</sup>Copies may be obtained from the Office of Price Administration.

<sup>17</sup> FR. 11115; 8 FR. 129, 2599, 4390.

prices computed pursuant to the formula contained in subparagraph (1) of this paragraph shall be determined for the ethyl alcohol produced during each calendar quarterly period and shall be based upon the actual costs of producing such ethyl alcohol. Until the actual costs for a quarterly period are deter-mined the price shall be an estimated price. Within twenty days after the end of each calendar quarterly period, each seller computing a maximum price pursuant to the formula contained in subparagraph (1) shall submit to the Office of Price Administration, Washington, D. C., upon a form to be obtained from that Office upon request, a report of the . actual costs of producing ethyl alcohol during such period. The estimated price shall be adjusted upward or downward in accordance with the report of actual costs filed with the Office of Price Administration. A maximum price so determined shall be subject to disapproval in writing at any time by the Office of Price Administration, and if a maximum price reported pursuant to this paragraph is revised downward by the Office of Price Administration and if any payment has been made at a price higher than the price approved by the Office of Price Administration, the seller shall refund the excess.

- 3. Section 1412.165 (g) (3) is amended to read as follows:
- (3) A converted alcoholic beverage distillery which determined a maximum price under this paragraph (g) for the calendar quarter ended September 30, 1943 may adjust its maximum price for that quarter to a price based upon its actual costs of production during that quarter, Provided, That such distillery, within twenty days after the issuance of this amendment, (i) informs the Office of Price Administration in writing of its election to do so, and (ii) submits to the Office of Price Administration a report of its actual costs of production for the quarter ended September 30, 1943 if a report of such costs had not been previously submitted.

This amendment shall become effective November 15, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of November 1943. CHESTER BOWLES. Administrator.

[F. R. Doc. 43-18097; Filed, November 9, 1943; 11:49 a. m.]

PART 1448-EATING AND DRINKING ESTAB-LISHMENTS

[Restaurant MPR 5-8, Amdt. 1]

FOOD AND DRINK SOLD FOR IMMEDIATE CON-SUMPTION IN ST. LOUIS DISTRICT, MO.

For the reasons set forth in the statement of the considerations involved in the issuance of this Amendment No. 1 to Restaurant Maximum Price Regulation No. 5-8 issued simultaneously herewith, and under the authority vested in

the District Director of the St. Louis District Office of the Office of Price Administration by the Regional Administrator of Region V under the provisions of General Order No. 50 of the Office of Price Administration, it is hereby ordered that Restaurant Maximum Price Regulation No. 5-8, issued under the provisions of General Order No. 50, shall be, and the same is, hereby amended as follows:

1. Section 5 of said Restaurant Maximum Price Regulation No. 5-8 is hereby amended by deleting from the first paragraph thereof the words:

(b) The last price at which you sold the same food item or meal prior to April 4, 1943, Provided, That you first file with the appropriate War Price and Rationing Board a menu or certified copy of a record showing the last price charged. and by inserting in lieu thereof the words:

(b) In those cases in which you did not offer food items or meals of the same class during the seven-day period, the price at which you sold the same food items or meals prior to April 4, 1943, as determined under the provisions of section 3 (a) or section 3 (b), whichever is applicable, provided you first file with the appropriate War Price and Rationing Board a menu or certified copy of a record showing such highest price.

2. Section 23 of Restaurant Maximum Price Regulation- No. 5-8 is hereby amended by deleting from said regulation the present provisions of section 23 and substituting therefor the following provisions so that section 23 of Restaurant Maximum Price Regulation No. 5-8 shall read as follows:

SEC. 23. Licensing. The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable schedules or regulations. A person whose license is suspended may not. during the period of suspension, make any sale for which his license has been suspended.

This Amendment No. 1 to Restaurant Maximum Price Regulation No. 5-8 under General Order No. 50 shall become effective on October 25, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 19th day of October 1943.

WILLIAM, H. BRYAN, District Director.

[F. R. Doc. 43-18096; Filed, November 9, 1943; 11:49 a. m.]

#### PART 1443—EATING AND DRINKING ESTABLISHMENTS

[2d Rev. Restaurant MPR 7-1, Amdt. 2] FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION IN THE DENVER REGION.

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

The first paragraph of section 21 (b) is amended to read as follows:

(b) If you are the proprietor of an eating establishment which satisfies the requirements specified abovè, you may apply for an adjustment of your maximum prices by submitting in duplicate to your OPA District Office a statement setting forth:

This Amendment No. 2 shall become effective on the 8th day of November

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 3d day of November 1943. CLEM W. COLLINS,

[F. R. Doc. 43-18094; Filed, November 9, 1943; 11:46 a. m.]

Regional Administrator.

PART 1499—COMMODITIES AND SERVICES [Rev. SR 11 to GMPR, Amdt. 35]

FOODS, FEEDS AND BEVERAGES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.\*

Revised Supplementary Regulation No. 1 to the General Maximum Price Regulation is amended in the following respect:

1. Section 2.3 (u) is added to read as follows:

(u) Sorghum syrup (sorghum molasses).

This amendment shall become effective November 15, 1943.

(56 Stat. 23, 765; Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328. 8 F.R. 4681)

Issued this 9th day of November 1943. CHESTER BOWLES, Administrator.

[F. R. Doc. 43-18101; Filed, November 9, 1943; 11:50 a. m.]

PART 1499—COMMODITIES AND SERVICES [Rev. SR 11 to GMPR, Amdt. 89]

REPAIRS OF BOATS, SHIPS AND VESSELS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Section 1499.46 (a) (11) is amended to read as follows:

(11) Boats, ships and vessels—repairs to, when performed for a War Procure-

\*Copies may be obtained from the Office of

Price Administration.

18 F.R. 4978, 6055, 6363, 6547, 6615, 6852, 6964, 7261, 7270, 7349, 7592, 7600, 7668, 8710, 8754, 9025, 9218, 9016, 9219, 10304, 10759, 10002, 11572, 11738, 11814, 11951, 12408, 12793, 13171, 13513.

ment Agency; and the painting of all ocean-going vessels.

This amendment shall become effective November 15, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of November 1943.

CHESTER BOWLES,

Administrator.

[F. R. Doc. 43-18095; Filed, November 9, 1943; 11:46 a. m.]

# Notices .

#### WAR DEPARTMENT.

[Royalty Adjustment Order W-5]
WALLACE R. TURNBULL

ORDER AUTHORIZING PAYMENT OF ROYALTIES

In the matter of Wallace R. Turnbull, Licensor, and Curtiss-Wright Corporation, licensee.

Whereas, pursuant to authority contained in the Act of October 31, 1942 (Public Law 768, 77th Congress), written notice was given on or about April 24, 1940 to Wallace R. Turnbull, hereinafter called "licensor," and to Curtiss-Wright Corporation, hereinafter called "licensee," that the rates or amounts of royalties, provision for the payment of which by licensee to licensor is made by an agreement between Wallace R. Turnbull as licensor and Curtiss-Wright Corporation as licensee, dated October 29, 1942, or by virtue of other agreements providing for payments for rights under patents 1,427,173; 1,793,652; 1,793,653; 1,793,654; 1,828,303; 1,828,348; 1,860,827, relating to airplane propellors and which said royalties are directly or indirectly charged or chargeable to the War Department for or on account of the manufacture, use, sale or other disposition for the United States of certain alleged inventions the subject matter of the said patents were believed to be unreasonable or excessive taking into account the conditions of wartime production, and that until the making of an order herein no royalties should be paid by licensee to licensor on account of such manufacture, use, sale or other disposition for the United States; and

Whereas said licensor upon request has presented in writing and by his representatives such facts and circumstances as he desired having a bearing upon the rates or amounts of royalties to be determined, fixed and specified by order pursuant to said Act;

Now, therefore, pursuant to authority contained in and for the purposes set forth in said Act, and upon taking into account the facts and circumstances as aforesaid, the conditions of wartime production, and such other facts and circumstances as ought properly to be considered in determining a fair and just rate or amount of royalties in the premises, it is hereby ordered as follows,

(1) That a fair and just rate and amount of royalties for the manufacture,

use, sale or other disposition for the War Department of the alleged inventions the subject matter of the said patents are hereby determined, fixed and specified to be the rate provided in said agreement dated October 29, 1942, but not to exceed a total amount of fifty thousand dollars per calendar year charged or chargeable to the War and Navy Departments;

(2) That, until further order, licensee is hereby authorized to pay to licensor, on account of any manufacture, use, sale or other disposition of said alleged inventions for the War Department occurring while sections 1 and 2 of said Act remain in force, royalties at the rate and not to exceed the amount determined, fixed and specified in paragraph (1) hereof, and no more, under

(a) The license agreement dated October 29, 1942 herein identified, and

(b) Any license between them entered into on or after the effective date of said notice and so long as sections 1 and 2 of said Act remain in force which in any respect continues, supplements, modifies or supersedes the license referred to in subparagraph (a) hereof;

(3) That licensee is hereby directed to pay over to the Treasurer of the United States through Commanding General, Army Air Forces Matériel Command, attention, Royalty Adjustment Board. Wright Field, Dayton, Ohio, the balance, in excess of the yearly total amount of payment authorized by paragraph (2) hereof, of all royalties specified in the license referred to in paragraph (2) hereof which were due to licensor and were unpaid on the effective date of said notice, or since said date have or may hereafter become due to licensor. on account of any manufacture, use, sale or other disposition of said inventions for the War Department occurring while sections 1 and 2 of said Act remain in force; and demand is hereby made for payment forthwith of so much of said balance as is now due to licensor; and

(4) That reservation is hereby expressly made of the right to amend, modify, revoke or extend this order as changed conditions may warrant, and of the right of any department or agency of the Government, including but not limited to the War Department, to take such other, further and different action as may be authorized by any statute of the United States with respect to the licenses mentioned in paragraph (2) hereof or any other license which includes provision for the payment of royalties directly or indirectly chargeable to the Government on account of the manufacture, use, sale or other disposition for the United States of the alleged inventions the subject matter of the patents above identified.

Dated: November 2, 1943.

W.F. VOLAMOT,
Colonel, Air Corps; Chief, Procurement Branch, Mat. Div.,
Office of the Ass't Chief of Air
Staff, Matériel, Maintenance
and Distribution.

EARL S. PATTERSON,
Colonel, J. A. G. D.,
Assistant Air Judge Advocate.

The foregoing order is hereby approved in behalf of the Secretary of War.

By direction of the Under Secretary of War:

ALBERT J. BROWNING, Brigadier General, General Staff Corps; Director, Purchases Division Headquarters, Army Service Forces.

[F. R. Doc. 43-18080; Filed, November 9, 1943; 10:01 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

RECOMMENDATION FOR TRANSPORTATION OF SOLID FUELS

In order to conserve and providently utilize vital transportation equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, the following methods and procedure for joint action concerning the transportation of solid fuels to private and commercial consumers are promulgated and recommended to the Chairman of the War Production Board for approval under section 12, Public Law 603, 77th Congress (56 Stat. 357).

1. Purpose of recommendation. The purpose of this recommendation is to enable persons who sell or transport solid fuels to private and commercial consumers to cooperate with each other and with the Office of Defense Transportation in the transportation of solid fuels in such manner as will result in conservation and provident utilization of motor vehicle equipment and supplies and as will provide, in so far as possible, for the prompt and continuous movement of available supplies of solid fuels to such private and commercial consumers, in accordance with the purposes and requirements of General Order ODT 17, as amended (7 F.R. 5678, 7694, 9623; 8 F.R. 8278, 12750).

2. Solid Fuel Advisory Committees. The Office of Defense Transportation shall appoint a National ODT Solid Fuel Industry Advisory Committee, to consist of representative members of the solid fuel industry throughout the United States: District ODT Solid Fuel Advisory Committees, to consist of representative members of the solid fuel industry within the territories of District Managers of the Office of Defense Transportation, Division of Motor Transport; and such Local ODT Solid Fuel Advisory Committees as are deemed necessary, to consist of representative members of the solid fuel industry within particular municipalities or other areas.

3. Functions of committees. Such national, district, and local committees will consult with members of the industry for the purpose of aiding in formulating and encouraging the adoption of plans for joint action as set forth in section 4 of

<sup>&</sup>lt;sup>1</sup>See Certificate 155, War Production Board, infra.

this recommendation or as otherwise requested by the Office of Defense Transportation, and for the purpose of supplying information and advice requested by the Office of Defense Transportation in respect of problems and matters pertaining to the transportation of solid fuels within their particular territories.

4. Joint action plans. (a) Any two or more persons who sell or transport solid fuels to private and commercial consumers may enter into a joint action plan designed to accomplish the objectives of this recommendation by any one or more of the following described methods:

(1) Without exchanging customers, jointly operating delivery vehicles, pooling of deliveries to consumers in the same neighborhood, interchanging orders, or delivering orders for the account of each other, whereby mileage of delivery vebicles will be reduced.

(2) Furnishing trucks, drivers and helpers, and other equipment and employees to assist each other in unloading railroad cars and other vehicles, in order to expedite such unloading and movement of supplies to the yards.

(3) Filling orders from each other's supplies of solid fuels, for the purpose of reducing mileage of delivery vehicles by making delivery from a yard nearer the consumer to be served.

(4) Interchanging labor in the performance of yard and delivery services when so doing will result in expediting the handling or delivery of solid fuels or the conservation of delivery vehicles.

(5) Leasing or renting of delivery vehicles, with or without drivers and helpers, in order to achieve more efficient utilization of delivery vehicles in the transportation of solid fuels.

(6) Adopting operating rules or practices by which: only full truckloads will leave yards, except in emergencies; advance notice, except in emergencies, will be required for deliveries; no orders will be accepted for delivery at a specific time of day; before attempting delivery, definite arrangements will be made to assure acceptance of delivery by customer; incidental services, not essential to completing delivery to the consumer's place of storage, will be curtailed; minimum quantities for deliveries will be prescribed, provided, that no consumer unable to purchase or receive delivery of the minimum quantity shall be precluded by such rule from receiving needed supplies of solid fuel; limitations on frequency of delivery to specific zones or areas will be established.

(7) Appointing one or more of their own number, or any other persons, to act as their individual, common, or joint agents in effectuating joint action by any of the above-mentioned methods.

(b) Such joint action plans shall be in writing, signed by all participants, and should state: (1) the territory involved, (2) the full legal names and the addresses of all participants, (3) the specific method or methods of joint action to be used, (4) the practical application of these methods to the particular operations of the participants, (4) an estimate and explanation of the conservation to be accomplished, (6) the effect of

the proposed joint action on the maintenance of adequate transportation service for the delivery of solid fuels, and (7) the name and address of a person to whom communications in respect of the plan may be sent.

(c) True copies of all such joint action plans shall be filed with the Office of Defense Transportation through its appropriate District Manager, Division of

Motor Transport.

(d) Each such joint action plan will be reviewed by the General Counsel of the Office of Defense Transportation; and if, ir his opinion, the plan conforms to the provisions of this Recommendation, and effectuation of such plan will accomplish substantial conservation and more efficient utilization of motor transportation equipment, materials and supplies, consistent with maintaining adequate transportation service for the delivery of solid fuels, he will approve the plan; and thereupon the Office of Defense Transportation will direct those who have agreed, or who shall thereafter agree, to participate in the plan, to put it into effect.

(e) Other persons engaged in the same business, desiring to participate in the plan, and willing to be bound by the terms thereof, may petition the Office of Defense Transportation for authority to be included therein.

5. Records; inspection. National, district, and local committees and participants in joint action plans under this recommendation, each shall prepare and maintain such records, and make such reports, as the Office of Defense Transportation may prescribe subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942. Such records shall be available for examination and inspection at all reasonable times by any accredited representative of the Office of Defense Transportation.

6. Termination. This recommendation shall remain in full force and effect until 6 months after the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation may designate, or until any certificate issued in respect of this recommendation shall have been withdrawn by the Chairman of the War Production Board in the manner provided by section 12, Public Law 603, 77th Congress (56 Stat. 357)

Issued at Washington, D. C., this 18th day of October 1943.

JOSEPH B. EASTMAN, Director. Office of Defense Transportation.

[F. R. Doc. 43-18083; Filed, November 9, 1943; 11:04 a. m.]

# OFFICE OF PRICE ADMINISTRATION.

Regional and District Office Orders.

LIST OF COMMUNITY CEILING PRICE ORDERS

The following order under General Order 51 was filed with the Division of the Federal Register on November 4, 1943.

#### REGION III

Detroit, Order No. 5, Amendment No. 17, filed 4:51 p. m.

The following orders under General Order 51 were filed with the Division of the Federal Register on November 6,

#### REGION I

Connecticut, Order No. 4, Amendment No. 1, filed 4:41 p. m. Providence, Order No. 5, Amendment No. 1, filed 4:42 p. m.

REGION II

New York, Order No. 6, Amendment No. 2, filed 4:42 p. m. New York, Order No. 7, Amendment No. 2,

filed 4:43 p. m. New York, Order No. 8, filed 4:42 p. m. Scranton, Order No. 8, Amendment No. 2, filed 4:43 p. m.

Syracuse, Order No. 9, Amendment No. 1, filed 4:43 p. m.

Syracuse, Order No. 10, Amendment No. 1, filed 4:43 p. m. Syracuse, Order No. 11, Amendment No. 1,

filed 4:43 p. m.

#### REGION III

Cincinnati, Order No. 1-F, Amendment No.

1, filed 4:48 p. m. Cleveland, Order No. F-2, Amendment No.

1, filed 4:44 p. m.
Cleveland, Order No. F-3, filed 4:48 p. m. Iron Mountain, Order No. 1-F, Amendment

No. 1, filed 4:48 p. m. Iron Mountain, Order No. 2-F, filed 4:40

Iron Mountain, Order No. 3-F, filed 4:46

Iron Mountain, Order No. 4-F, filed 4.47

Iron Mountain, Order No. 5-F, filed 4:47 p. m.

Louisville, Order No. 1-F, Amendment No. 2, filed 4:44 p. m.

# REGION IV

Charlotte, Order No. 9, Amendment No. 1, filed 4:44 p. m.

Charlotte, Order No. 9, Amendment No. 2, filed 4:44 p. m. Charlotte, Order No. 10, Amendment No. 1,

filed 4:44 p. m.

Memphis, Order No. 9, Amendment No. 1, filed 4:45 p. m. Nashville, Order No. 10, Amendment No. 1,

filed 4:45 p. m. Savannah, Order No. 1-F, Amendment No.

7, filed 4:45 p. m. Savannah, Order No. 2-F, Amendment No.

2, filed 4:45 p. m. Savannah, Order No. 3-F, filed 4:45 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK. Head, Editorial and Reference Section.

[F. R. Doc. 43-18103; Filed, November 9, 1943; 11:50 a. m.]

# SECURITIES AND EXCHANGE COM-MISSION.

[File No. 70-795]

THE OHIO PUBLIC SERVICE CO. ET AL.

ORDER GRANTING APPLICATION AND PERMIT-TING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 8th day of November 1943.

In the matter of the Ohio Public Service Company, the Alliance Public Service Company, and Cities Service Power & Light Company, File No. 70–795.

Cities Service Power & Light Company, a registered holding company, and The Ohio Public Service Company and The Alliance Public Service Company, both public utility subsidiaries of Cities Service Power & Light Company, having filed an application and declaration pursuant to the Public Utility Holding Company Act of 1935; said application and declaration being concerned with the following transactions:

1. Cities Service Power & Light Company will donate to The Ohio Public Service Company all the outstanding capital stock of The Alliance Public Service Company. The Ohio Public Service Company will record the donation by charging to its investment account and crediting to capital surplus \$460,144 (the net worth per books of The Alliance Public Service Company as at June 30, 1943). Immediately thereafter the \$460,144 will be transferred from capital surplus to a reserve for possible adjustments to plant account; it is proposed that such reserve will be available, among other things, for application against the recorded cost of properties acquired from Cities Service Power & Light Company or its predecessor in the ownership of the common stock of The Ohio Public Service Company.

2. The Alliance Public Service Company will be liquidated as at June 30, 1943 (subject to such changes as have occurred in the ordinary course of business subsequent thereto), after the acquisition by The Ohio Public Service Company of all the outstanding capital stock of The Alliance Public Service Company. In such liquidation, The Alliance Public Service Company will transfer and convey to The Ohio Public Service Company all: its properties, assets and franchises, consisting principally of a steam electric generating plant and electric distribution system in or near the City of Alliance, Ohio. The Ohio Public Service Company will assume all the liabilities of The Alliance Public Service Company and surrender all the out-standing capital stock of The Alliance Public Service Company for cancellation. The property, plant, equipment and reserve for replacements of The Alliance Public Service Company will be recorded by The Ohio Public Service Company at the same amounts at which such items are carried in the accounts of The Alliance Public Service Company.

3. The Ohio Public Service Company proposes to issue to Cities Service Power & Light Company 3,435 shares of its common stock (par value of \$100 per share) in payment of \$343,535 principal amount of The Alliance Public Service Company's First Mortgage 5% Sinking Fund Bonds held by Cities Service Power & Light Company, plus an amount in cash equal to the unpaid interest on such bonds to the date of transfer. Such bonds will then be cancelled and retired, along with \$74,040 principal amount of such bonds now owned and held by The Ohio Public Service Company. In addition, The Ohio

Public Service Company will retire by redemption, in accordance with the indenture, the remaining \$18,415 principal amount of such bonds now held by the public: and

A public hearing having been held after appropriate notice, the Commission having considered the record in this matter, and having made and filed its findings and opinion herein:

It is hereby ordered, Pursuant to the applicable provisions of said Act, that the aforesaid application be, and hereby is, granted and the said declaration be, and hereby is permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24, and further provided that our approval of the application and declaration shall not be construed as a determination as to what use may be made of the reserve of \$460,-144 to be created in connection with the proposed transactions.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

[F. R. Doc. 43-18087; Filed, November 9, 1943; 11:25 a. m.]

[File Nos. 54-67, 59-64 and 54-46] Peoples Light and Power Co., et al.

NOTICE OF FILING AND ORDER FOR AND CONSOLIDATION OF HEARINGS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 6th day of November 1943.

In the matters of Peoples Light and Power Company and Subsidiary Companies, File No. 54-67; Peoples Light and Power Company, California Public Service Company, Texas Public Service Farm Company, Texas Public Service Company, West Coast Power Company, File No. 59-64; and Lone Star Gas Corporation, Lone Star Gas Company, et al., File No. 54-46.

The Commission having, on March 9, 1943 (Holding Company Act Release No. 4159), instituted proceedings under sections 11 (b) (1) and 11 (b) (2) of the Public Utility Holding Company Act of 1935 involving Peoples Light and Power Company ("Peoples"), a registered holding company and its subsidiaries; and said proceedings having been consolidated for the purpose of hearing with an application heretofore filed by Peoples' pursuant to section 11 (e) of said Act for approval of a Plan for compliance with sections 11 (b) (1) and 11 (b) (2) of said Act; hearings having been held in respect of such consolidated proceedings and having been adjourned to November 11, 1943;

The Commission also having, on October 22, 1942, approved a plan filed under section 11 (e) by Lone Star Gas Corporation and subsidiary companies for the purpose of complying with the provisions of section 11 (b) of the Act (File No. 54–46), the order approving said plan providing, in part, for the disposition by the Lone Star holding company system of all interests in the natural gas distribution properties operating in Galveston, Texas;

Notice is hereby given that declarations and applications have been filed with this Commission pursuant to the Act by Peoples and its wholly-owned subsidaries, namely, West Coast Power Company ("West Coast"), California Public Service Company ("California Public"), Texas Public Service Farm Company ("Texas Farm") and Texas Public Service Company ("Texas Public"), designated as Amendments Nos. 14, 15, 16 and 17 to the aforementioned application for approval of a Plan.

Notice is also hereby given that Lone Star Gas Corporation and Lone Star Gas Company have filed a declaration and application with this Commission pursuant to the Act as amendments to the said plan under section 11 (e) filed by the Lone Star holding company system. All interested persons are referred to said documents which are on file in the office of the Commission for a full statement of the transactions therein proposed, which may be summarized as follows:

Texas Public proposes to purchase from Lone Star Gas Company, a registered holding company, and Lone Star Gas Company proposes to sell the physical properties and assets, except cash, comprising the gas manufacturing and distribution systems serving Galveston, Texas and adjacent territory for the sum of \$2,383,000 in cash subject to certain adjustments as provided in the Purchase Agreement dated October 20, 1943. The

acquisition will be financed with treasury cash and with cash on deposit (approximately \$1,120,000) with the trustee under the mortgage of Texas Public representing the remainder of the proceeds from a recent sale of properties. Lone Star Gas Company proposes to employ the proceeds of the said proposed sale to reduce its outstanding Bank Loan Notes.

Peoples has amended its section 11 (e) Plan as originally filed (which set forth alternative programs) by adopting a definitive plan of distribution to its stockholders of its assets, consisting principally of common stock of its remaining subsidiaries, on the basis of 95% to the preferred stock and 5% to the Class A and Class B common stocks. The Amended Plan proposes the following steps preliminary to the proposed dissolution of Peoples:

(1) West Coast proposes to amend its charter to reclassify its 11,500 shares of capital stock of no par value into 97,303 shares of a par value of \$6.50 per share.

(2) California Public proposes to amend its charter to reclassify its 22,280 shares of capital stock of a par value of \$25 per share into 97,303 shares of a par value of \$6 per share.

(3) Texas Public proposes to amend its charter to reclassify its 12,500 shares of capital stock of no par value into 291,909 shares of a par value of \$8 per share.

(4) Texas Public proposes to acquire all the properties and assets of Texas Farm through distribution in complete liquidation, in consideration of the surrender for cancellation to Texas Farm of all the outstanding stock of Texas Farm, which acquisition is proposed to

be accomplished in the following manner:

(a) Peoples proposes to contribute to Texas Public its investment in Texas Farm, consisting of all the outstanding capital stock (250 shares) of no par value.

(b) Texas Public proposes to forgive and cancel the indebtedness owed to it by Texas Farm amounting to \$207,081.30 at August 31, 1943, represented by the First Mortgage 6% Note, due 1961, of Texas Farm, which Note is now pledged by Texas Public under its Indenture dated January 1, 1936, to Provident Trust Company of Philadelphia;

(c) Texas Farm proposes to pay to Texas Public the interest accrued on the aforementioned note in the amount of \$57,526.40 at August 31, 1943, and other indebtedness of Texas Farm to Texas Public amounting to approximately \$361.86 at the same date, such payments to be made in cash and/or current assets.

(5) Peoples proposes to donate its cash, to the extent not needed to satisfy its existing liabilities, to California Public, West Coast or Texas Public, as may be determined by the Board of Directors of Peoples.

(6) Upon reclassification of the stocks of West Coast, California Public and Texas Public, as above set forth, such companies will deliver to Peoples stock certificates representing the aforesaid shares of new capital stock in exchange for the certificates representing the shares presently outstanding, all of which are owned by Peoples.

(7) Peoples thereafter will make a distribution of said new shares to its stockholders on the basis of 95% to holders of the present preferred stock, 2.1% to holders of the Class A common stock and 2.9% to holders of the present Class B common stock in the following manner:

Holders of the present preferred stock of Peoples will receive, for each such share, 1½ shares of West Coast, 1½ shares of California Public and 3½ shares of Texas Public capital stock. Holders of the present Class A and Class B common stocks of Peoples will receive for each share of such stock ½0th share of West Coast, ½0th share of California Public, and ½0th share of Texas Public capital stock.

(8) In lieu of fractional shares, Scrip will be issued, which, when combined with other Scrip, will be exchangeable into full shares. Scrip not so exchanged within two years will become void.

(9) Holders of the presently outstanding Purchase Warrants of Peoples will not participate in the Plan and their present rights will be extinguished.

Peoples proposes to request the Commission upon its approval of the Plan to apply to a Federal Court under sections 11 (e) and 18 (f) of the Act for enforcement of the Plan. Peoples does not propose to request approval of the Plan by its stockholders.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held in respect of such matters; and that said declarations

shall not become effective, nor said applications be granted except pursuant to further order of the Commission, and

It further appearing to the Commission that the hearings in respect of File Nos. 54-67 and 59-64 heretofore adjourned to November 11, 1943 should be adjourned to November 17, 1943; and

It further appearing to the Commission that the issues presented by the applications and declarations of Peoples, et al. (File Nos. 54-67 and 59-64), and the declaration and application filed by Lone Star Gas Corporation and Lone Star Gas Company as amendments to the Plan under section 11 (e) filed by the Lone Star holding company system (File No. 54-46) involve common questions of law and fact and should be consolidated and heard together.

It is ordered, That the proceedings in these matters be, and they hereby are, consolidated, and that a consolidated hearing under the applicable provisions of the Act and Rules of the Commission thereunder be held on the 17th day of November 1943, at 10 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the Hearing Room Clerk in Room 318 will advise as to the room in which such hearing will be held. All persons desiring to be heard or otherwise wishing to participate in the proceedings should notify the Commission in the manner provided by the Rules of Practice, Rule XVII on or before November 13, 1943.

It is further ordered, That, without limiting the scope of the issues presented by these proceedings, attention will be directed at the adjourned hearings to a consideration of the following matters and questions:

(1) Whether the proposed transactions by Lone Star Gas Corporation and Lone Star Gas Company are in compliance with the Commission's order dated October 22, 1942 approving a plan under section 11 (e) filed by the Lone Star holding company system and are otherwise in compliance with the applicable standards of the Act.

(2) Whether the proposed acquisition by Texas Public of the Galveston properties and assets will serve the public interest by tending toward the economical and efficient development of an integrated public utility system or will be detrimental to the carrying out of the provisions of section 11 of the Act.

(3) Whether the interest in the business of Texas Farm proposed to be acquired by Texas Public is reasonably incidental, or economically necessary or appropriate to the operation of Texas Public's utility system, and whether such proposed acquisition is detrimental to the carrying out of the provisions of section 11 of the Act.

(4) Whether the proposed consideration to be paid and to be received for the Galveston properties and assets is reasonable and bears a fair relation to the sums invested in or the earning capacity of the assets to be transferred.

(5) Whether the proposed capital contribution by Peoples to Texas Public to-

gether with the transactions incident to the liquidation and dissolution of Texas Farm are in compliance with sections 9, 10 and 12 of the Act and the Rules thereunder.

(6) Whether the proposed accounting entries on the books of Peoples and of its subsidiaries conform to the requirements of the Act, and whether the property accounts of Peoples' subsidiaries as stated on their respective books, include intangibles, write-ups or other inflationary items which, should be eliminated or appropriately provided for.

(7) Whether the transactions with respect to the proposed reclassification of the capital stocks of West Coast, California Public, and Texas Public comply with the requirements of sections 7 and 12 of the Act and the Rules thereunder.

(8) Whether the proposed allocation of 95% of the assets of Peoples to the preferred stock and 5% to the Class A and B common stocks is appropriate or whether such allocation should be modified so as to provide a greater or smaller allocation to the preferred stock, and whether said plan is necessary to effectuate the provision of section 11 (b) and is fair and equitable to the persons affected thereby.

fected thereby.

(9) What, if any, terms and conditions with respect to the proposed transaction should be prescribed in the public interest or for the protection of investors or consumers.

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this order by registered mail to the applicants and declarants and to the Railroad Commission of Texas and the City of Galveston, and that notice shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935; and that further notice be given to all persons by publication of this Order in the Federal Register.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary

[F. R. Doc. 43-18085; Filed, November 9, 1943; 11:25 a. m.]

[File Nos. 54–68, 59–55 and 70–808] COMMUNITY GAS AND POWER CO. ET AL.

NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 8th day of November, A. D. 1943.

Notice of filing and notice of and order for hearing on amendments to plan filed under section 11 (e) and on application filed under sections 9 (a) (2) and 10, and order consolidating such proceedings with pending proceedings under sections 11 (b) (1), 11 (b) (2), 11 (e), 12 (c), 12 (f), 13, 15 and 20 (a).

In the matter of Community Gas and Power Company, American Gas and Power Company, File No. 54-68; Community Gas and Power Company, American Gas and Power Company, and the subsidiary companies thereof, File No. 59-55; Respondents, Alpha Association, File No. 70-806.

I

Notice is hereby given that Community Gas and Power Company ("Community"), a registered holding company, and American Gas and Power Company ("American Gas"), a registered holding company and a subsidiary company of Community, have filed with this Commission Amendments Nos. 2, 3 and 4 to their amended plan heretofore filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 for the purpose of effecting compliance with section 11 (b) of the Act.

Notice is further given that a declaration or application (or both) has been filed with this Commission pursuant to the Act by Alpha Association ("Alpha"), an exempt holding company.

All interested persons are referred to said Amendments Nos. 2, 3 and 4 and to said declaration or application (or both), which are on file in the office of this Commission, for statements of the transactions therein proposed, which are summarized as follows:

### II. Amendments Nos. 2 and 4

- 1. The proposals contained in Amendments Nos. 2 and 4 have been filed with this Commission as amendments to the overall plan heretofore submitted by Community and American Gas pursuant to section 11 (e) for compliance with section 11 (b), and as a separate plan submitted pursuant to section 11 (e) for partial compliance with section 11 (b).
- Community and American Gas propose that American Gas shall sell to Alpha, a Massachusetts voluntary association, all its interest in American Utilities Associates ("Associates"), consisting of \$5,910,000 principal amount of notes (of which a note in the principal amount of \$4,950,000 is secured by pledge of 58,199 shares of the capital stock of Lowell Gas Light Company ("Lowell") owned by Associates), including unpaid interest which amounted to \$3,807,375 at July 31, 1943; accounts payable of Associates, which amounted to \$110,064 at July 31, 1943; and the outstanding shares of beneficial interest of Associates (20,000 shares, par value \$1 per share), all for the sum of \$900,000, pursuant to a contract dated September 28, 1943. Associates owns \$1,824 face amount of serial non-interest bearing obligations and 58,861.6 shares (96.55%) of the outstanding common capital stock (par value \$25 per share) of Lowell. The remaining serial obligations and shares of capital stock of Lowell (2,100.4 shares) are held by the public.
- 3. Community and American Gas propose that the net proceeds of sale be deposited with The New York Trust Company as Successor Trustee under the Debenture Agreement and Supplements thereto of American Gas, and held by it and paid over to American Gas as provided in the overall plan.
- 4. Community and American Gas' propose that a Supplemental Agreement be

entered into between American Gas and The New York Trust Company as Successor Trustee, to permit releases of securities from the Debenture Agreement without consent of debenture holders. The \$4,950,000 note of Associates referred to above, together with the 58,199 shares of the capital stock of Lowell pledged as security therefor, are held by The New York Trust Company as Successor Trustee, and are subject to the lien of said Debenture Agreement and said Supplements. Said Debenture Agreement as heretofore amended provides that such securities of Associates and Lowell may be released only upon receipt by the Trustee, among other things, of certain certificates, and of \$3,000,000 cash or the written consents to the proposed release executed by or on behalf of the registered holders of at least 66%% in principal amount of the Debentures then outstanding. Such consent and certificates are also required under said Debenture Agreement as heretofore amended as a condition to the release of less than all of the securities of and interest in any subsidiary or affiliated company of American Gas. The proposed Supplemental Agreement would provide for release from the lien of said Debenture Agreement and Supplements thereto and the delivery to American Gas, at any time or from time to time, of all or any part of the securities of and interest in Birmingham Gas Company, Savannah Gas Company, St. Augustine Gas Company, Bangor Gas Company, Lowell and Associates, upon receipt by the Trustee of:

- (a) A written request of American Gas signed by its President or a Vice-President for such release and delivery;
- (b) A certified copy of an order of this Commission issued under the Holding Company Act authorizing or approving the sale or other disposition of the securities or interest with respect to which the release is requested; and
- (c) The money, securities or interest constituting the consideration to be received by American Gas upon the sale or disposition of the released securities or interest, in the event that the transaction authorized or approved by such order of this Commission provides for or contemplates the receipt by American Gas of consideration and for the deposit of such consideration with the Trustee.
- 5. American Gas requests that this Commission modify its Order of July 2, 1943, in these proceedings, insofar as said order requires that the existence of Associates be terminated and that Associates be liquidated and dissolved, upon the ground that the conditions upon which said requirements in said order were predicated do not exist.
- 6. American Gas requests this Commission to approve the proposals summarized above as a separate plan in accordance with section 11 (e) of the Act, and further requests this Commission to apply to a court in accordance with the provisions of subsection (f) of section 18 of the Act to enforce and carry out the provisions of such plan.
- 7. American Gas requests that, in order that it may have the exemption

afforded by section 1803 (f) of the Internal Revenue Code, this Commission approve such plan as necessary or appropriate to effectuate the provisions of section 11 (b) of the Holding Company Act and spacify and itemize the transfers of securities called for by the plan.

#### III. Amendment No. 3

- 8. In Amendment No. 3, Community and American Gas have further amended the amended over-all plan heretofore submitted pursuant to Section 11 (e), to provide:
- (a) That the authorized number of shares of common stock of American Gas shall be 700,000 shares instead of 600,000 shares, and that the par value of each such share shall be \$6 instead of \$7; and
- (b) That American Gas will issue twothirds of a share of common stock, instead of one-quarter of a share, for each outstanding share of its common stock.
- 9. The following tabulation shows the principal amount of Secured Debentures and number of shares of common stock of American Gas outstanding at September 30, 1943, together with the number of shares of common stock to be distributed in exchange therefor pursuant to the amended plan prior to the filing of Amendment No. 3, and pursuant to such Amendment:

•	Principal amount or number of charca out- standing at Sept. 30, 1943	Number of shares of common stock to be issued prior to filing amendment No. 3	of shares of com-
6% detentures 6% detentures Common steck	\$4, 213, 560 \$3, 114, 560 189, 637, 5 ghs.	231, 267	

- 10. Community and American Gas propose that the initial board of directors of American Gas, to be installed as soon as practicable after the approval of the amended plan by this Commission and by a United States District Court, as requested in the plan, shall consist of seven members, as follows:
- J. B. Gallagher, Libertyville, III.; C. O. Kalman, St. Paul, Minn.; H. Nell Mallon, Bradford, Pa.; Gerald T. Mullen, Minneapolis, Minn.; Samuel Sewall, Minneapolis, Minn.; Vera B. Saymour, 60 Wall Street, New York, N. Y.; and Harry K. Wrench, Minneapolis, Minn.

Following installation as directors of American Gas, said persons would also be installed as directors of Minneapolis Gas Light Company.

# IV. Application of Alpha

11. Alpha proposes to acquire from American Gas, pursuant to the contract dated September 23, 1943, referred to above, all the capital shares of beneficial interest, notes, and liabilities of Associates. After such acquisition, Alpha proposes to transfer the shares to a group of individuals and concerns, and to continue to own the notes. After acquisi-

tion by Alpha of the notes, Alpha proposes to enter into an agreement with Associates whereby the shares of common stock of Lowell now pledged as collateral will be released from the lien of the notes. Alpha has contracted with American Gas that it will make no public offering of the notes nor of any security collaterally secured by the notes.

12. Alpha was organized as a Massachusetts voluntary association on September 27, 1943, and has done no business other than in Massachusetts, and other than to issue two common shares of beneficial interest at \$100 each, to borrow \$50,000 on an unsecured note due thirty days after demand, and to execute the purchase contract with American Gas dated September 28, 1943. The two shares of beneficial interest in Alpha are held by Leslie D. Hawkridge, Trustee of Alpha, and by Frederic L. Putnam, Trustee and Secretary of Alpha, respectively.

13. Alpha requests that this Commission rule whether its application is properly filed under the provisions of section 9 (a) (2) of the Holding Company Act. Alpha states that in its opinion section 9 (a) (2) does not apply because Alpha is not an affiliate of any public-utility company or holding company, and because upon acquisition of the shares of Associates, Alpha will temporarily become an affiliate of Associates and Lowell, but will not be an affiliate of any other public-utility company or holding company.

#### V. Pending Proceedings

14. By order dated July 2, 1943, in a proceeding instituted against Community, American Gas and their subsidiary companies under sections 11 (b) (1), 11 (b) (2), 12 (c), 12 (f), 13, 15 and 20 (a), this Commission ordered, among other things, that American Gas dispose, or cause the disposition of its direct and indirect ownership, control and holding of securities issued and properties owned, controlled or operated by Birmingham Gas Company, Savannah Gas Company, Jacksonville Gas Company, St. Augustine Gas Company, Bangor Gas Company, Lowell, and Associates: that the corporate existence of Community and Associates be terminated and that Community and Associates be liquidated and dissolved; and that American Gas change its present capital structure, consisting of secured debentures, indebtedness owed to subsidiary companies and common stock, into a capital structure consisting of one class of stock, namely common stock.

15. In and by said order dated July 2, 1943, jurisdiction was reserved to this Commission to consider all other issues in said proceeding not then decided, including among others, questions relating to the disposition of the proceeds of any sales consummated pursuant to section 11 (b) (1), the corporate structure of Minneapolis Gas Light Company under sections 11 (b) (2), 12 (c) and 12 (f), accounts under sections 15 (a), 15 (f) and 20 (a), and the continued existence of American Gas under section 11 (b) (2).

16. By order dated August 12, 1943, this Commission ordered, among other

things, that the above proceeding and the proceeding on the amended plan of Community and American Gas, filed under section 11 (e) of the Act, be consolidated.

VT

It appearing to this Commission that it is appropriate in the public interest and in the interests of investors and consumers that a hearing be held with respect to said Amendments Nos. 2, 3 and 4 to the amended plan of Community and American Gas, with respect to said separate plan for partial compliance with section 11 (b) contained in Amendments Nos. 2 and 4, and with respect to said declaration or application (or both) filed by Alpha, and that said plans, as amended, should not be approved nor said declaration be permitted to become effective nor said application granted except pursuant to further order of this Commission; and

It further appearing to this Commission that some of the evidence in the pending consolidated proceedings is relevant to the issues presented by said Amendments Nos. 2, 3 and 4, and by said declaration or application (or both), and that all such proceedings involve common questions of law and fact and should be consolidated; It is ordered, That such proceedings be and the same are hereby consolidated.

Further ordered, That a hearing on such matters under the applicable provisions of the Act and Rules of this Commission thereunder be held on November 29, 1943 at 10:00 a.m., e. w. t., at the offices of this Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room where such hearing will be held. At such hearing cause shall be shown why such plans shall be approved, such application granted and such declaration permitted to become effective.

Further ordered, That Robert P. Reeder or any officer or officers of the Commission designated by it for that purpose, shall preside at the hearings on such matters. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 of the Act and to a trial examiner under the Commission's Rules of Practice.

Further ordered, That without limiting the scope of the issues presented in the consolidated proceedings, particular attention will be directed at the hearings to the following matters and questions, in addition to those stated in the order of this Commission referred to above dated August 12, 1943:

1. Whether the amended overall plan of Community and American Gas, as heretofore or hereafter amended or modified, is necessary or appropriate to effectuate the provisions of section 11 (b) of the Act and is fair and equitable to the persons to be affected thereby.

2. Whether the separate plan for partial compliance with section 11 (b) of the Act, as submitted in Amendments Nos. 2 and 4 or as hereafter modified, is necessary or appropriate to effectuate the

provisions of section 11 (b) of the Act and is fair and equitable to the persons to be affected thereby.

3. Whether the proposed supplemental agreement modifying and amending the debenture agreement of American Gas is appropriate as part of said plans, and is fair and equitable to the holders of the Secured Debentures of American Gas.

4. Whether the acquisition of any of the securities involved in the proposed transactions, by Alpha or by any other individual or company, is an acquisition within the scope of section 9 (a) (2) of the Act.

the Act.
5. If section 9 (a) (2) is found applicable to any such proposed acquisition, whether the standards and requirements

of section 10 are satisfied.

6. Whether, pursuant to section 11 (b) of the Act, the conditions upon which this Commission's order of July 2, 1943, was predicated, insofar as said order requires that the existence of Associates be terminated and that Associates be liquidated and dissolved, do not exist or would not exist upon consummation of the proposed transactions in the securities of Associates and, if not, whether said order of July 2, 1943, should be modified so as to permit the continued existence of Associates.

7. Generally, whether the proposed transactions are in all respects in the public interest and in the interests of investors and consumers and consistent with all applicable requirements of the Act and the Rules thereunder, and, if not, what modifications should be required to be made therein and what terms and conditions should be imposed to satisfy the statutory standards.

Further ordered, That issues 2, 3, 4, 5 and 6, and issue 7 to the extent that it relates to the proposed disposition and acquisition of securities of and interests in Associates and Lowell, shall be con-

sidered first at said hearing.

Further ordered, That notice of said hearing is hereby given to Community, American Gas and their subsidiary companies and to all interested persons; said notice to be given to Community and American Gas by registered mail, and to all other persons by publication of this Notice and Order in the Federal Register and by a general release of this Commission distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935.

Further ordered, That American Gas shall give additional notice of said hearing to the registered holders of its Secured Debentures, by causing a copy of this notice and order to be mailed to them at their respective addresses, according to the records of The New York Trust Company, as Successor Trustee, as of a date not more than four weeks prior to the date of said hearing, said mailing to be made not less than fifteen days prior to the date of said hearing.

Further ordered, That jurisdiction be and hereby is reserved to separate, either for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues, questions or matters herein set forth or which may arise in these

proceedings, to consolidate with these proceedings other filings or matters pertaining to said plans, and to take such other action as may appear conducive to an orderly, prompt, and economical disposition of the matters involved.

It is requested that any person desiring to be heard in these proceedings shall file with the Secretary of this Commission on or before November 26, 1943, an appropriate request or application to be heard, as provided by Rule XVII of the Commission's Rules of Practice.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

[F. R. Doc. 43-18086; Filed, November 9, 1943; 11:25 a. m.]

# WAR FOOD ADMINISTRATION.

# ORGANIC NITROGENOUS MATERIAL

#### DELEGATION OF AUTHORITY

The authority vested in me by Food Production Order No. 12, Revision No. 2, is hereby delegated to the Chief, Chemicals and Fertilizers Division, Office of Materials and Facilities, War Food Administration.

Issued this 9th day of November 1943.

J. W. MILLARD, Acting Director, Office of Materials and Facilities.

[F. R. Doc. 43-18108; Filed, November 9, 1943; 11:50 a.m.]

# WAR PRODUCTION BOARD.

AMENDMENT TO REVOCATION OF STOP CONSTRUCTION ORDER

Builder: U. S. Bureau of Reclamation, Denver, Colorado.

Description of project: Those portions of Friant Division, Central Valley Project, known as Friant Dam and Madera Canal.

The revocation, dated May 11, 1943, of the stop construction order and of other orders relating to the above described project is hereby further amended as follows:

The following phrase is added to the second proviso of such revocation following the semicolon: "the builder may, however, accept delivery of one 18' x 100' drum gate from the United States War Department, to be held at or near Friant Dam for installation at such time hereafter as the War Production Board may permit; and".

Issued this 8th day of November 1943.

WAR PRODUCTION BOARD, By J. JOSEPH WHELAN, Recording Secretary.

[F. R. Doc. 43-18067; Filed, November 8, 1943; 3:26 p. m.]

NOTICE TO BUILDERS AND SUPPLIERS OF ISSUANCE OF REVOCATION ORDERS RE-VOKING AND STOPPING CONSTRUCTION OF CERTAIN PROJECTS

The War Production Board has issued certain revocation orders listed in Sched-

ule A below, revoking preference rating orders issued in connection with, and stopping the construction of the projects affected. For the effect of each such order upon preference ratings, construction of the project and delivery of materials therefor, the builder and suppliers

affected shall refer to the specific order . issued to the builder.

Issued this 8th day of November 1943.

War Production Board, By J. Joseph Whelan, Recording Secretary.

#### SCHEDULE A

Preference rating order	Ferial No.	Name and address of builder	Lecation of project	Issuance date
OMPL-224 P-19-h P-19-h P-19-h P-19-h P-19-h P-19-e	107222 82742 82742 82753 82753 82753 82632 £6838	Humble Oil and Refining Co., Heucten, Tex. The Pure Oil Co., Chicago, III. Western Pipe Line Co., Inc., Wichlas, Kans. Arizona State Highway Comm., Phoenix, Ariz.	San Antonio, Tex	10/26/43 10/28/43 10/28/43 10/28/43 10/28/43 10/28/43

[F. R. Doc. 43-18068; Filed, November 8, 1943; 3:26 p. m.]

#### [Certificate 155]

RECOMMENDATION FOR TRANSFORTATION OF SOLID FUELS

The ATTORNEY GENERAL:

I submit herewith a Recommendation of the Director of the Office of Defense Transportation concerning the formulation of certain joint action plans by persons engaged in the sale or transportation of solid fuels to private and commercial consumers.

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the Recommendation; and after consultation with you I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such Recommendation or any order or direction issued by the Office of Defense Transportation pursuant thereto requiring any of the joint actions specified therein is requisite to the prosecution of the war.

Dated: November 3, 1943.

DONALD M. NELSON, Chairman.

[F. R. Doc. 43-18082; Filed, November 9, 1943; 11:04 a. m.]

# WAR SHIPPING ADMINISTRATION.

VESSEL "HENRY FOSS"

# DETERMINATION AS TO OWNERSHIP

Notice of determination by War Shipping Administrator pursuant to section 3 (b) of the Act approved March 24, 1943,

(Public Law 17, 78th Congress).

Whereas, on July 3, 1942, title to the vessel "Henry Foss" (ex "John Cudahy"), (77048) including all spare parts, appurtenances and equipment was requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended;

Whereas section 3 (b) of the Act approved March 24, 1943, (Public Law 17, 78th Congress), provides in part as follows:

(b) The Administrator, War Shipping Administration, may determine at any time

prior to the payment in full or deposit in full with the Treasurer of the United States, or the payment or deposit of 75 per centum, or just compensation therefor, that the ownership of any vessel (the title to which has been requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended, or the Act of June 6, 1941, (Public Law 101, Seventy-Seventh Congress), is not required by the United States, and after such determination has been made and notice thereof has been published in the Federal Register, the use rather than the title to such vessel shall be deemed to have been requisitioned for all purposes as of the date of the original taking: Provided, however, That no such determination shall be made with respect to any vessel after the date of delivery of such vessel pursuant to title requisition except with the consent of the owner.

and

Whereas no portion of just compensation for the said vessel has been paid or deposited with the Treasurer of the United States; and

Whereas the ownership of the said vessel, spare parts, appurtenances and equipment is not required by the United States: and

Whereas the former owner of the vessel has consented to this determination and to the return of the vessel and the conversion of the requisition of title therein to a requisition of use thereof in accordance with the above-quoted provisions of law;

Now therefore, I, Emory S. Land, Administrator, War Shipping Administration, acting pursuant to the above-quoted provisions of law, do hereby determine that the ownership of said vessel, spare parts, appurtenances and equipment is not required by the United States, and that, from and after the date of publication hereof in the Federal Register, the use rather than title thereto shall be deemed to have been requisitioned, for all purposes, as of the date of the original taking.

Dated: November 6, 1943.

[SEAL] E. S. LAND,
Administrator.

[F. R. Doc. 43-18033; Filed, November 9, 1943; 11:43 a. m.]

¹ Supra.